Appendix F

Jurisdictional Delineation

Jurisdictional Delineation Report

Rancho Las Lomas Project
Orange County, California

Prepared for

Jeannie Lawrence
Rancho Las Lomas
19191 Lawrence Canyon
Silverado, California 92676
T: (949) 888-3080

Prepared by

BonTerra Consulting
2 Executive Circle, Suite 175
Irvine, California 92614
Contact: Gary Medeiros, Associate Principal, Regulatory Services
T: (714) 444-9199 F: (714) 444-9599
www.BonTerraConsulting.com

August 2012

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1.0 INTRODUCTION

This Jurisdictional Delineation Report (report) was prepared for James Walton to provide baseline data concerning the type and extent of resources under the jurisdiction of the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Game (CDFG), and the Regional Water Quality Control Board (RWQCB) for the Rancho Las Lomas project site (hereinafter referred to as the "project site").

The proposed project is located at 19191 Lawrence Canyon in Silverado, in unincorporated Orange County, California (Exhibit 1). The Foothill Transportation Corridor (State Route [SR] 241) is located south of the project site. The project site is located on the U.S. Geological Survey (USGS) Santiago Peak 7.5-minute topographic quadrangle map (Exhibit 2). Aliso Creek, a blueline stream, runs through the project site. Topography on site is characterized by gentle to moderately sloping hillsides adjoining the canyon bottom of Aliso Creek in the eastern $^{1}/_{3}$ of the site and steeper, more rugged hillside in the remaining $^{2}/_{3}$ of the project site. Elevation on site ranges from 1,115 to 1,346 feet above mean sea level (msl). Surrounding land uses include large residential estates to the north and south, and a residential tract to the west.

A jurisdictional delineation was conducted by BonTerra Consulting Associate Principal Gary Medeiros and Ecologist/Regulatory Technician Allison Rudalevige on October 8, 2008, in accordance with the requirements of the USACE and the CDFG. The delineation was conducted based on the current regulations, policies, and guidance letters provided by these regulatory agencies; the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE 2008c); and the *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987). In addition, Mr. Medeiros met with Jim Walton, property owner representative, on April 23, 2009, to review the Jurisdictional Delineation Report and the site plan with respect to proposed bridge/culvert structure replacement activities in Aliso Creek. Please note that this report must be reviewed and approved by the USACE and the CDFG before the determination of jurisdictional boundaries is finalized.

1.1 PROJECT DESCRIPTION AND BACKGROUND

Rancho Las Lomas is a privately owned event facility that serves as a popular wedding location and corporate affair venue. This multifaceted facility offers the following activities and facilities: low intensity commercial outdoor recreation with a predominately open space character; a wedding chapel; zoological gardens; horticulture preserves; a retreat/banquet facility/conference center; accessory buildings and structures; Duplex R (single-family dwellings); Ranch House L (a single-family dwelling); and an Employee Cottage G (caretaker's residence). The proposed project would permit existing structures on site; facilitate the completion of a gazebo (Structure A-C); and allow three free-span bridges to be installed within Aliso Creek on the site. Current site plans are shown in Attachment A.

Development of the proposed project was conducted prior to obtaining permits from the USACE, the RWQCB, and the CDFG. Therefore, "normal circumstances" are not considered to be present. Table 1 provides a summary of observed water sources and modifications to Aliso Creek. Project site plans show four existing culverts/bridges over Aliso Creek on the project site. Hydrology is considered disturbed due to the presence of these bridge/culvert modifications; non-native invasive plant species that have established in the creek; and runoff into Aliso Creek from adjacent development. As a result, the extent of riparian vegetation that would typically occur along the banks of Aliso Creek may have been affected by these man-made conditions; therefore, vegetation is considered problematic.

TABLE 1
PROPOSED MODIFICATIONS TO JURISDICTIONAL RESOURCES WITHIN ALISO CREEK

Location	Type of Modification	Proposed Action	Permanent Impact (Square Feet) [Acre]	Temporary Impact (Square Feet) [Acre]	Linear Feet
1	Concrete Wall Footing was installed by Landowner as part of the development of Rancho Las Lomas.	Concrete wall footing will remain in place as a permanent impact.	25 [0.0006]	0 [0.0000]	8
2	Concrete downstream of Vehicle Bridge No. 2	Concrete within Aliso Creek will be removed.	0 [0.00]	400 [0.0092]	29
3	Vehicle Bridge No. 2 installed by Landowner as part of the development of Rancho Las Lomas.	Bridge No. 2 will be removed and replaced with free-span bridge.	0 [0.0000]	625 [0.0143]	31
4	Concrete deposit in Aliso Creek.	Concrete within Aliso Creek will be removed.	0 [0.0000]	36 [0.0008]	2
5	Pedestrian Bridge A.	Pedestrian Bridge A will be removed and replaced with a free-span bridge.	0 [0.0000]	180 [0.0041]	9
6	Pedestrian Bridge B.	Pedestrian Bridge B has been replaced with a partial freespan bridge. The bridge abutment will remain in place.	14 [0.0003]	0 [0.0000]	7
7	Concrete deposit within Aliso Creek.	Concrete within Aliso Creek will be removed.	0 [0.0000]	98 [0.0022]	7
8	Concrete deposit within Aliso Creek.	Concrete within Aliso Creek will be removed.	0 [0.0000]	48 [0.0011]	8
9	Concrete deposit within Aliso Creek.	Concrete within Aliso Creek will be removed.	0 [0.0000]	100 [0.0023]	10
10	Concrete deposit within Aliso Creek.	Concrete within Aliso Creek will be removed.	0 [0.0000]	129 [0.0030]	21
11	Concrete deposit within Aliso Creek.	Concrete within Aliso Creek will be removed.	0 [0.0000]	75 [0.0017]	5
12	Concrete deposit within Aliso Creek.	Concrete within Aliso Creek will be removed.	0 [0.0000]	300 [0.0069]	29
13	Concrete deposit within Aliso Creek.	Concrete within Aliso Creek will be removed.	0 [0.0000]	300 [0.0069]	30
14	Concrete deposit within Aliso Creek.	Concrete within Aliso Creek will be removed.	0 [0.0000]	200 [0.0046]	20
15	Vehicle Bridge No. 1 (Main Entrance).	Bridge No. 1 will be removed and replaced with a free-span bridge.	0 [0.0000]	338 [0.0078]	26
		Total Impacts	**39 [0.0009]**	**2,829 [0.0649]**	**242**

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Regional Location

Exhibit 1

Rancho Las Lomas

N W E S

10 5 0 10 Miles

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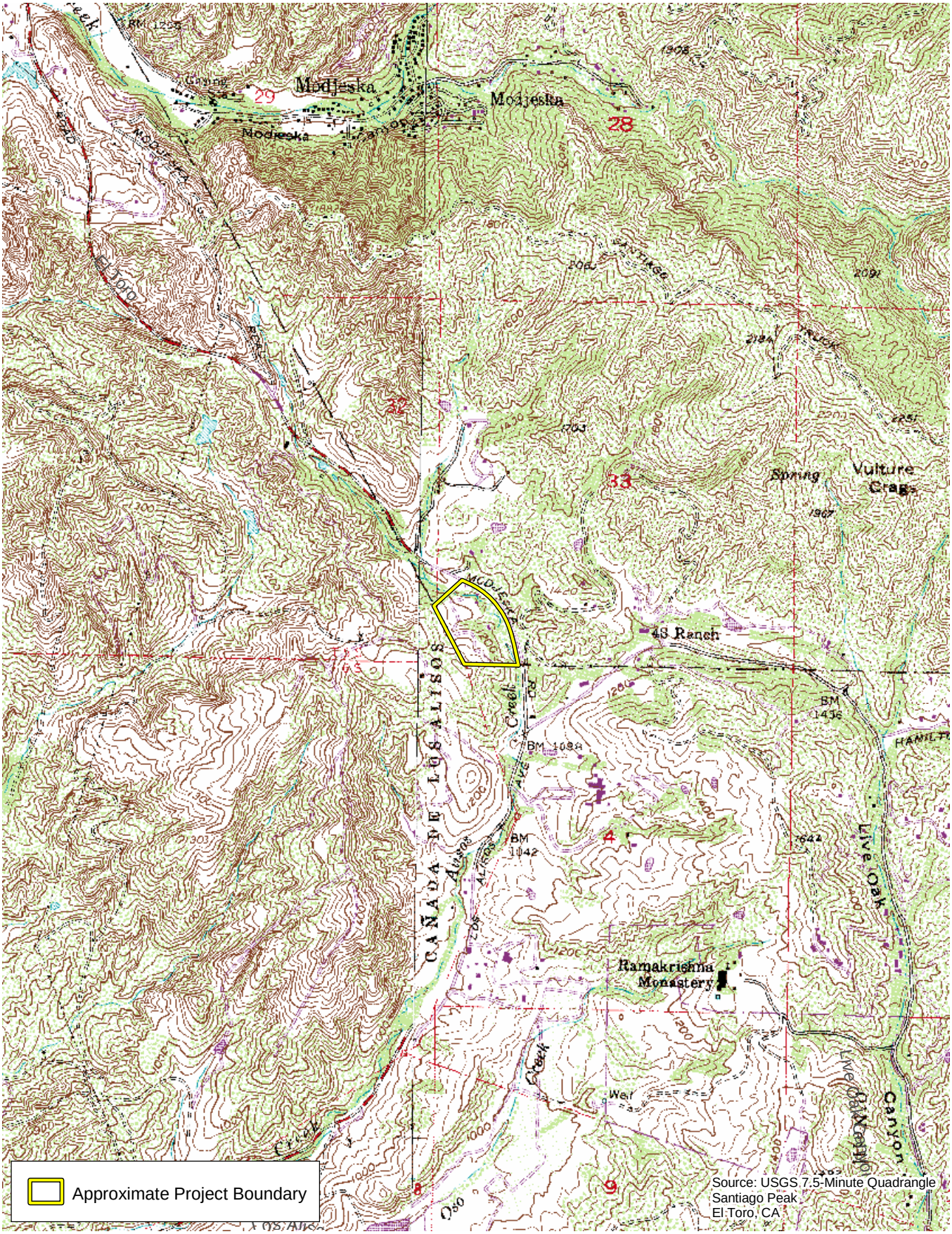

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Local Vicinity

Exhibit 2

Rancho Las Lomas

N
W E
S

2,000 1,000 0 2,000
Feet

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The following improvements were installed as part of the agricultural operation by a previous owner or by other landowners:

- Corrugated drainage pipe was installed as part of the agricultural operation by the previous property owner. This pipe will remain in place.
- Polyvinylchloride (PVC) pipes were installed as part of the agricultural operation by the previous property owner. These pipes will remain in place.
- Box culvert and corrugated pipe emptying into Aliso Creek was installed a part of the Beazer Development just upstream of the project site. The box culvert and corrugated pipe will remain in place.

Project impacts analyzed in this Report include (1) two existing bridges (Bridges 1 and 2); (2) two existing footbridges (Footbridges A and B); and (3) cement in small areas of the Aliso Creek bottom. Impacts for Bridge 1 would include temporary impacts from the demolition and removal of the existing bridge/culvert structure and permanent shade impacts associated with the installation of the permanent free-span bridge. Impacts for Bridge 2 would include temporary impacts from the demolition and removal of the existing bridge/culvert structure and permanent shade impacts resulting from the installation of a free-span bridge. Impacts for Footbridge A would consist of temporary impacts from the demolition and removal of the existing bridge/culverts and permanent shade impacts associated with their replacement as free-span bridges. Footbridge B has already been converted to a free-span bridge. However, impacts associated with that conversion included temporary impacts from the demolition and removal of the existing bridge/culvert and permanent shade impacts associated with its replacement as a free-span bridge. Cement is currently present in a portion of the creek bottom; the removal of this previously discharged material from the creek bottom would be considered a temporary impact and enhancement to the creek.

1.2 REGULATORY AUTHORITY

1.2.1 Summary of Regulations

U.S. Army Corps of Engineers

The USACE Regulatory Branch regulates activities that discharge dredged or fill materials into the "Waters of the U.S." under Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. This permitting authority applies to all "Waters of the U.S." where the material has the effect of (1) replacing any portion of a "Waters of the U.S." with dry land or (2) changing the bottom elevation of any portion of "Waters of the U.S.". These fill materials would include sand, rock, clay, construction debris, wood chips, and materials used to create any structure or infrastructure in the "Waters of the U.S.". The selection of disposal sites for dredged or fill material is done in accordance with the Section 404(b)(1) guidelines, which were developed by the U.S. Environmental Protection Agency (USEPA).

Waters of the United States

"Waters of the U.S." can be divided into three categories: territorial seas, tidal waters, or non-tidal waters. The term "Waters of the U.S." is defined by the *Code of Federal Regulations* (CFR, Title 33, Navigation and Navigable Waters; Part 328, Definition of Waters of the United States; Section 328.3, Definitions) and includes:

1. All waters that have, are, or may be used in interstate or foreign commerce (including sightseeing or hunting), including all waters subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;

3. All other waters such as intrastate lakes, rivers, or streams (including intermittent streams); mudflats; sand flats; wetlands; sloughs; prairie potholes; wet meadows; playa lakes; or natural ponds where the use, degradation, or destruction of which could affect interstate or foreign commerce;
4. All impoundments of waters otherwise defined as "Waters of the U.S." under the definition;
5. All tributaries of waters identified above;
6. The territorial seas; and
7. All wetlands adjacent to waters (other than waters that are themselves wetlands) identified above.

Ordinary High Water Mark

The landward limit of tidal "Waters of the U.S." is the high tide line. In non-tidal waters where adjacent wetlands are absent, jurisdiction extends to the ordinary high water mark (OHWM). In the absence of wetlands in non-tidal waters, the extent of jurisdictional limits is determined by the OHWM. The OHWM is defined as "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas" (33 CFR §328.3[e]).

Wetlands

A wetland is a subset of jurisdictional waters and is defined by the USACE and the USEPA as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR §328.3[b]). Wetlands generally include swamps, marshes, bogs, and areas containing similar features. The definition and methodology for identifying wetland resources can be found in the USACE's *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE 2008c), a supplement to the USACE's *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987). The methodology contained in this supplement was used to identify the type and extent of wetland resources on the project site.

On June 19, 2006, a majority of the U.S. Supreme Court overturned two Sixth Circuit Court of Appeals decisions, finding that certain wetlands constituted "Waters of the U.S." under the CWA. Justice Scalia argued that "Waters of the U.S." should not include channels through which water flows intermittently or ephemerally, or channels that periodically provide drainage for rainfall. He also stated that a wetland may not be considered "adjacent to" remote "Waters of the U.S." based on a mere hydrologic connection. On June 5, 2007, the USACE published a memorandum that provides guidance to both the USEPA regions and the USACE districts that implement the Supreme Court's decision in the Rapanos cases (which address the jurisdiction over "Waters of the U.S." under the CWA).[1] The memorandum includes a chart that summarizes its key points, which is intended to be used as a reference tool along with a complete discussion of issues and guidance furnished throughout the memorandum.

[1] Consolidated cases: *Rapanos v. United States* & *Carabell v. United States* refer to the U.S. Supreme Court's decision concerning USACE jurisdiction over waters of the United States under the Clean Water Act.

In summary, the USACE and the USEPA will assert jurisdiction over the following waters: (1) traditional navigable waters (TNW); (2) wetlands adjacent to a TNW; (3) relatively permanent, non-navigable tributaries of a TNW that typically flow year-round or have continuous flow at least seasonally (e.g., typically three months); and (4) wetlands that directly abut such tributaries.

The USACE and the USEPA will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a TNW: (1) non-navigable tributaries that are not relatively permanent; (2) wetlands adjacent to non-navigable tributaries that are not relatively permanent; and (3) wetlands adjacent to but that do not directly abut a relatively permanent, non-navigable tributary.

The USACE and the USEPA generally will not assert jurisdiction over the following features: (1) swales or erosional features (e.g., gullies or small washes characterized by low volume, infrequent, or short duration flow) and (2) ditches (including roadside ditches) excavated wholly within and draining only uplands and that do not carry a relatively permanent flow of water.

The USACE and the USEPA will apply the significant nexus standard defined as follows:

1. A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of downstream TNWs.
2. A significant nexus includes consideration of hydrologic and ecological factors.

Regional Water Quality Control Board

The RWQCB is the primary agency responsible for protecting water quality within California through the regulation of discharges to surface waters under the CWA and the California Porter-Cologne Water Quality Control Act (Porter-Cologne Act). The RWQCB's jurisdiction extends to all "Waters of the State" and to all "Waters of the U.S.", including wetlands (isolated and non-isolated).

Section 401 of the CWA provides the RWQCB with the authority to regulate, through a Water Quality Certification, any proposed federally permitted activity that may affect water quality. Among such activities are discharges of dredged or fill material permitted by the USACE pursuant to Section 404 of the CWA. Section 401 requires the RWQCB to provide "certification that there is reasonable assurance that an activity which may result in the discharge to 'Waters of the U.S.' will not violate water quality standards". Water Quality Certification must be based on a finding that the proposed discharge will comply with water quality standards, which contain numeric and narrative objectives that can be found in each of the nine Regional Boards' Basin Plans.

The Porter-Cologne Act provides the State with very broad authority to regulate "Waters of the State" (which are defined as any surface water or groundwater, including saline waters). The Porter-Cologne Act has become an important tool in the post- *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (SWANCC) and Rapanos era with respect to the State's authority over isolated waters. Generally, any person proposing to discharge waste into a water body that could affect its water quality must file a "Report of Waste Discharge" when there is no federal nexus, such as under Section 404(b)(1) of the Clean Water Act. Although "waste" is partially defined as any waste substance associated with human habitation, the RWQCB interprets this to include fill discharge into water bodies.

San Diego Basin Plan

There are nine Regional Water Quality Control Boards (RWQCBs) in California. The project site is located within Regional Water Quality Control Board Region 9, the San Diego Region. The State Water Resources Control Board and the RWQCB have adopted a Water Quality Control Plan (or Basin Plan) for the San Diego Region. The Basin Plan contains goals and policies, descriptions of conditions, and proposed solutions to surface and groundwater issues. The Basin Plan also establishes water quality standards for surface and groundwater resources and includes beneficial uses and levels of water quality that must be met and maintained to protect these uses. These water quality standards are implemented through various regulatory permits pursuant to CWA Section 401 for Water Quality Certifications and Section 402 for Report of Waste Discharge permits.

The Basin Plan indicates that the survey area is located within the Laguna Hydrologic Unit (901.1), Aliso Hydrologic Subarea (HSA) 901.13. Table 3-2, Water Quality Objectives for Inland Surface Streams, of the Basin Plan indicates that the water quality objective for the Laguna Hydrologic Area is 1,000 milligrams/liter (mg/L) of total dissolved solids for surface waters and 1,200 milligrams/liter (mg/L) of total dissolved solids for ground water (RWQCB 1994, as amended).

The Basin Plan identifies a number of beneficial uses, some or all of which may apply to a specific HSA, including Municipal and Domestic Water Supply (MUN) waters; Agricultural Supply (AGR) waters; Industrial Service Supply waters (IND); Industrial Process Supply (PROC) waters; Groundwater Recharge (GWR) waters; Navigation (NAV) waters; Hydropower Generation (POW) waters; Water Contact Recreation (REC1) waters; Non-Contact Water Recreation (REC2) waters; Commercial and Sport Fishing (COMM) waters; Warm Fresh Water Habitat (WARM) waters; Limited Warm Water Habitat (LWARM) waters; Cold Fresh Water Habitat (COLD) waters; Preservation of Biological Habitats of Special Significance (BIOL) waters; Wildlife Habitat (WILD) waters; Rare, Threatened or Endangered Species (RARE) waters; Marine Habitat (MAR) waters; Shellfish Harvesting (SHEL) waters; and Estuarine Habitat (EST) waters.

Table 2.2 of the Basin Plan identifies the following beneficial uses for Aliso Creek Watershed that would likely need to be addressed as part of the request for a CWA Section 401 Water Quality Certification: AGR, REC1 (Potential), REC2, WARM, and WILD (RWQCB 1994, as amended).

- AGR Includes uses of water for farming, horticulture, or ranching including, but not limited to, irrigation, stock watering, or support of vegetation for range grazing.
- REC1 waters are used for recreational activities involving bodily contact with water where ingestion of water is reasonably possible. These uses may include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing, and use of natural hot springs. Please note that while this beneficial use designation is assigned to surface water bodies in this Region, it should not be construed as encouraging recreational activities and access. Surface water was present within portions of creek at the time of the survey. The source of surface water is primarily urban runoff. However, flows would occur in the rainy season. Flows within the section of Aliso Creek within the project site would not be adequate for recreational fishing, swimming or any water-related recreational activities.
- REC2 waters are used for recreational activities involving proximity to water, but do not normally involve bodily contact with water where ingestion of water would be reasonably possible. These uses may include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing and aesthetic enjoyment in conjunction with the above activities. Please note that while

this beneficial use designation is assigned to surface water bodies in this Region, it should not be construed as encouraging recreational activities. View access to the creek would be available from the existing pedestrian bridges on the project site.

- WARM waters support warm water ecosystems that may include, but are not limited to, preservation and enhancement of aquatic habitats, vegetation, fish and wildlife, including invertebrates. The proposed project is not expected to affect aquatic habitats, vegetation, fish, or wildlife within Aliso Creek.
- WILD waters support wildlife habitats that may include, but are not limited to, the preservation and enhancement of vegetation and prey species used by waterfowl and other wildlife. The proposed project is not expected to affect the preservation or enhancement of vegetation and prey species used by waterfowl and other wildlife within Aliso Creek.

California Department of Fish and Game

Activities of State and local agencies, public utilities and private projects are regulated under Sections 1600–1616 of the *California Fish and Game Code.* Activities of State and local agencies as well as public utilities that are project proponents are regulated by the CDFG under Section 1602 of the *California Fish and Game Code.* This section regulates any work that will (1) substantially divert or obstruct the natural flow of any river, stream, or lake; (2) substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

Because the CDFG includes streamside habitats (i.e., riparian forest habitat resources) under its jurisdiction that, under the federal definition, may not qualify as wetlands on a particular project site, its jurisdiction may be broader than that of the USACE. Riparian forests in California often lie outside the plain of ordinary high water regulated under Section 404 of the CWA, and often do not have all three parameters (wetland hydrology, hydrophytic vegetation, and hydric soils) sufficiently present to be regulated as a wetland. However, riparian forests are frequently within CDFG regulatory jurisdiction under Section 1602 of the *California Fish and Game Code*.

The CDFG enters into a Streambed Alteration Agreement (SAA) with a project proponent and can impose conditions on the agreement. The notification process is the completion of the applications which will serve as the basis for the CDFG's issuance of a Section 1602 SAA. Section 1602 of the *California Fish and Game Code* applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state.

The CDFG jurisdictional limits are not as clearly defined by regulation as those of the USACE. While they closely resemble the limits described by USACE regulations, they include riparian habitat supported by a river, stream, or lake regardless of the presence or absence of hydric and saturated soils conditions. In general, the CDFG takes jurisdiction from the top of a stream bank or to the outer limits of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place within or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish; other aquatic plant and/or wildlife species; and watercourses that have a surface or subsurface flow that support or have supported riparian vegetation.

2.0 METHODOLOGY

The three-parameter approach used to identify USACE wetlands is summarized in Sections 2.1 through 2.3; literature reviewed for the preparation of the delineation is outlined in Section 2.4; and the field delineation is outlined in Section 2.5.

2.1 VEGETATION

Hydrophytic vegetation (or hydrophytes) is defined as any macrophytic plant that is typically adapted to and subsequently grows within water or that is on a substrate at least periodically deficient in oxygen; this oxygen deficiency can be a result of excessive saturation conditions that range from open water to periodically saturated soils. Specifically, these plant species are specialized and can survive in permanently saturated to periodically saturated soils where oxygen levels are very low or the soils are anaerobic. The USACE, as part of an interagency effort with the USEPA, the U.S. Fish and Wildlife Service (USFWS), and the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), has approved a new National Wetland Plant List (NWPL) to replace the Reed 1988 Wetlands Plant List. The NWPL went into effect on June 1, 2012, and is to be used to determine whether the hydrophytic vegetation parameter is met when conducting wetland determinations under the Clean Water Act and the Wetland Conservation Provisions of the Food Security Act. The NWPL is also intended to be used for wetland restoration, establishment, and enhancement projects. This report utilized the wetland plant list for the Arid West Supplement portion of the NWPL for California.

The following revisions were made to the Reed 1988 Wetland Plant List.

1. The USACE determined that without real frequency data it is difficult to adequately place species into one of the five wetland indicator status groups with any certainty. Adding finer-scale +/– ratings implies there are data to support their assignments, which is generally not the case. Therefore, to improve the accuracy of the overall list, the USACE decided to drop the +/– suffixes.
2. The USACE eliminated the "probability-of-occurrence" categories (e.g., <1 percent, 1-33 percent, 34–66 percent, 67–99 percent and >99 percent) due to the lack of data to support these ratings.
3. The new definition of wetland plant indicator status categories are as follows:
    - ***Obligate Wetland (OBL):*** Plants that always occur in standing water or in saturated soils.
    - ***Facultative Wetlands (FACW):*** Plants that nearly always occur in areas of prolonged flooding or require standing water or saturated soils but may, on rare occasions, occur in non-wetlands.
    - ***Facultative (FAC):*** Plants that occur in a variety of habitats, including wetland and mesic to xeric non-wetland habitats, but often occur in standing water or saturated soils.
    - ***Facultative Upland (FACU):*** Plants that typically occur in xeric or mesic non-wetland habitats but may frequently occur in standing water or saturated soils.
    - ***Obligate Upland (UPL):*** Plants that almost never occur in water or saturated soils.

The following are three procedures for determining hydrophytic vegetation: Indicator 1, "Dominance Test", using the "50/20 Rule"; Indicator 2, "Prevalence Index"; or Indicator 3, "Morphological Adaptation", as identified in the *Regional Supplement to the*

Corps of Engineers Wetland Delineation Manual: Arid West Region (USACE 2008c). Hydrophytic vegetation is present if any indicator is satisfied. If none of the indicators are satisfied, then hydrophytic vegetation is absent unless (1) indicators of hydric soil and wetland hydrology are present and (2) the site meets the requirements for a problematic wetland situation.

Dominance Test: Vegetative cover is estimated and is ranked according to their dominance. Dominant species are the most abundant species for each stratum of the community (i.e., tree, sapling/shrub, herb, or woody vine), that individually or collectively amount to 50 percent of the total coverage of vegetation, plus any other species that, by itself, accounts for 20 percent of the total vegetation cover (also known as the "50/20 Rule"). These species are recorded on the "Wetland Determination Data Form – Arid West Region" (see Attachment B). The wetlands indicator status of each species is also recorded on the data forms based on the *National Wetland Plant List (NWPL)*(USACE 2012). If greater than 50 percent of the dominant species across all strata are OBL, FACW or FAC species, the criterion for wetland vegetation is considered to be met.

Prevalence Index: The prevalence index considers all plant species in a community, not just the dominant ones. The prevalence index is the average of the wetland indicator status of all plant species in a sampling plot. Each indicator status category is given a numeric code (OBL=2, FACW=2, FAC=3, FACU=4, and UPL=5) and is weighted by the species' abundance (percent cover). Hydrophytic vegetation is present if the prevalence index is 3.0 or less.

Morphological Adaptation: Morphological adaptations, such as adventitious roots (i.e., roots that take advantage of the wet conditions) and shallow root systems must be observed on more than 50 percent of the individuals of a FACU species for the hydrophytic vegetation wetland criterion to be met.

2.2 SOILS

The National Technical Committee for Hydric Soils (NTCHS) defines a hydric soil as a soil that is formed under conditions of saturation, flooding, or ponding that occurs long enough during the growing season to develop anaerobic conditions (or conditions of limited oxygen) at or near the soil surface and that favor the establishment of hydrophytic vegetation (USDA NRCS 2008a). It should be noted that hydric soils created under artificial conditions of flooding and inundation sufficient for the establishment of hydrophytic vegetation would also meet this hydric soils indicator.

The soil conditions are verified through the digging of test pits along each transect to a depth of at least 20 inches (except where noted because of restrictive layers). At some sites, it may be necessary to make exploratory soil test pits up to 40 inches in depth to more accurately document and understand the variability in soil properties and hydrologic relationships on the site. Soil test pit locations are usually dug within the drainage invert or at the edge of a drainage course in vegetated areas. Soil extracted from each soil test pit is then examined for texture and color using the standard plates within the Munsell Soil Color Chart (1994) and recorded on the Data Form. The Munsell Soil Color Chart aids in designating soils by color labels based on gradations of three simple variables: hue, value, and chroma. Any indicators of hydric soils such as the following are also recorded on the Data Form:—redoximorphic features (i.e., areas where iron is reduced under anaerobic conditions and oxidized following a return to aerobic conditions); buried organic matter; organic streaking; reduced soil conditions; gleyed (i.e., soils having a characteristic bluish-gray or greenish-gray in color) or low-chroma soils; or sulfuric odor—. If hydric soils are found, progressive pits are dug along the transect moving laterally away from the active channel area until hydric soil features are no longer present within the top 20 inches of the soil.

2.3 HYDROLOGY

Wetlands hydrology is represented by either (1) all of the hydrological elements or characteristics of areas permanently or periodically inundated or (2) areas containing soils that are saturated for a sufficient duration of time to create hydric soils suitable for the establishment of plant species that are typically adapted to anaerobic soil conditions. The presence of wetland hydrology is evaluated at each intersect by recording the extent of observed surface flows, the depth of inundation, the depth to saturated soils, and the depth to free water in soil test pits. In instances where stream flow is divided into multiple channels with intervening sandbars, the entire area between the channels is considered within the OHWM. Therefore, an area containing these features would meet the indicator requirements for wetland hydrology.

2.4 LITERATURE

Prior to conducting the jurisdictional delineation, BonTerra Consulting reviewed the following documents to identify areas that may fall under agency jurisdiction: the USGS Santiago Peak 7.5-minute topographic quadrangle; color aerial photography provided by Aerial Express (April 2006); the Soil Survey Geographic (SSURGO) Database for Orange County and Part of Western Riverside County, California (USDA NRCS 2007); the USFWS Wetland Mapper (USFWS 2012); and the National Hydric Soils List (USDA NRCS 2008b). A description of this literature is provided below.

USGS Topographic Quadrangle: USGS quadrangle maps show geological formations and their characteristics; they describe the physical settings of an area through topographic contour lines and other major surface features. These features include lakes, streams, rivers, buildings, roadways, landmarks, and other features that may fall under the jurisdiction of one or more regulatory agencies. In addition, the USGS maps provide topographic information that is useful in determining elevations, latitude and longitude, and Universal Transverse Mercator Grid coordinates for a project site.

The USGS quadrangle map shows that Aliso Creek, a blueline stream, runs along the length of the project site. The Aliso Creek watershed is approximately 36.75 square miles in size (OC Public Works 2003). This portion of Aliso Creek is at the headwaters of the creek and covers approximately 500 acres and would be considered a “Relatively Permanent Water” that discharges seasonal flows (typically three months out of the year) directly into the Pacific Ocean at Aliso Beach in Laguna Beach, California. Therefore, connectivity to a TNW is established.

Color Aerial Photography: BonTerra Consulting reviewed an existing color aerial photograph of the survey area prior to the October 8, 2008, site visit. The aerial photograph was useful in identifying the extent of the drainages and any riparian vegetation that could be present in the area.

On the project site, Aliso Creek appears to be surrounded by dense vegetation. Existing structures and ornamental plantings are visible on the aerial image.

U.S. Department of Agriculture, Natural Resources Conservation Service: The presence of hydric soils is one of the chief indicators of jurisdictional wetlands. BonTerra Consulting reviewed the soil survey data for the project site, and determined the soils mapped by the U.S. Department of Agriculture (USDA NRCS 2007, Exhibit 3).

The following soil types are mapped in the survey area: Alo clay, 30–50 percent slopes; Calleguas clay loam, 50–75 percent slopes, eroded; Capistrano sandy loam, 9–15 percent slopes; Cieneba sandy loam, 15–30 percent slopes; Cieneba sandy loam, 30–75 percent slopes, eroded; and Sorrento loam, 2–9 percent slopes. None of these soils are identified as hydric (Reed 1988). A brief description of the soil types is provided in Attachment C of this report.

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Soil Types

Exhibit 3

Rancho Las Lomas

N
W E
S

300 150 0 300

Feet

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U.S. Fish and Wildlife Service, National Wetlands Inventory: The Wetlands Mapper shows wetland resources available from the Wetlands Spatial Data Layer of the National Spatial Data Infrastructure (USFWS 2012). This resource provides the classification of known wetlands following the *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin et al. 1979). This classification system is arranged in a hierarchy of (1) Systems that share the influence of similar hydrologic, geomorphologic, chemical, or biological factors (i.e., Marine, Estuarine, Riverine, Lacustrine, and Palustrine); (2) Subsystems (i.e., Subtidal and Intertidal; Tidal, Lower Perennial, Upper Perennial, and Intermittent; or Littoral and Limnetic); (3) Classes, which are based on substrate material and flooding regime or on vegetative life forms; (4) Subclasses; and (5) Dominance Types, which are named for the dominant plant or wildlife forms. In addition, there are modifying terms applied to Classes or Subclasses.

Within the survey area, Aliso Creek is mapped as PFOA (formerly PFOW), (Exhibit 4). The description for these codes is as follows:

- ***P: System PALUSTRINE.*** The Palustrine System includes all non-tidal wetlands dominated by trees, shrubs, emergents, mosses, or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 parts per trillion (ppt). Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: (1) are less than 8 hectares (20 acres); (2) do not have an active wave-formed or bedrock shoreline feature; (3) have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; (4) have a salinity due to ocean-derived salts of less than 0.5 ppt.
    - ***FO: Class FORESTED.*** This class is characterized by woody vegetation that is 6 meters (19.7 feet) tall or taller.
        - ***A:*** **Water Regime *TEMPORARY FLOODED.*** Surface water is present for brief periods during the growing season, but the water table usually lies well below the soil surface for most of the growing season. Plants that grow both in uplands and wetlands may be characteristic of this water regime.
    - ***UB: Class UNCONSOLIDATED BOTTOM.*** This class includes all wetlands and deepwater habitats with at least 25 percent cover of particles smaller than stones (less than 6–7 centimeters), and a vegetative cover less than 30 percent.
        - ***K: Water Regime ARTIFICIALLY FLOODED.*** The amount and duration of flooding is controlled by means of pumps or siphons in combination with dikes or dams. The vegetation growing in these areas cannot be considered a reliable indicator of water regime. The Artificially Flooded modifier should be used with water and waste-water treatment facilities. Neither wetlands within nor resulting from leakage from man-made impoundments, nor irrigated pasture lands supplied by diversion ditches or artesian wells are included under this modifier. The K water regime should not be used in the Riverine System as more applicable special modifiers such as impounded, excavated, or artificial better describe artificial flooding conditions in riverine channels.
        - ***H: Water Regime PERMANENTLY FLOODED.*** Water covers the land surface throughout the year in all years.

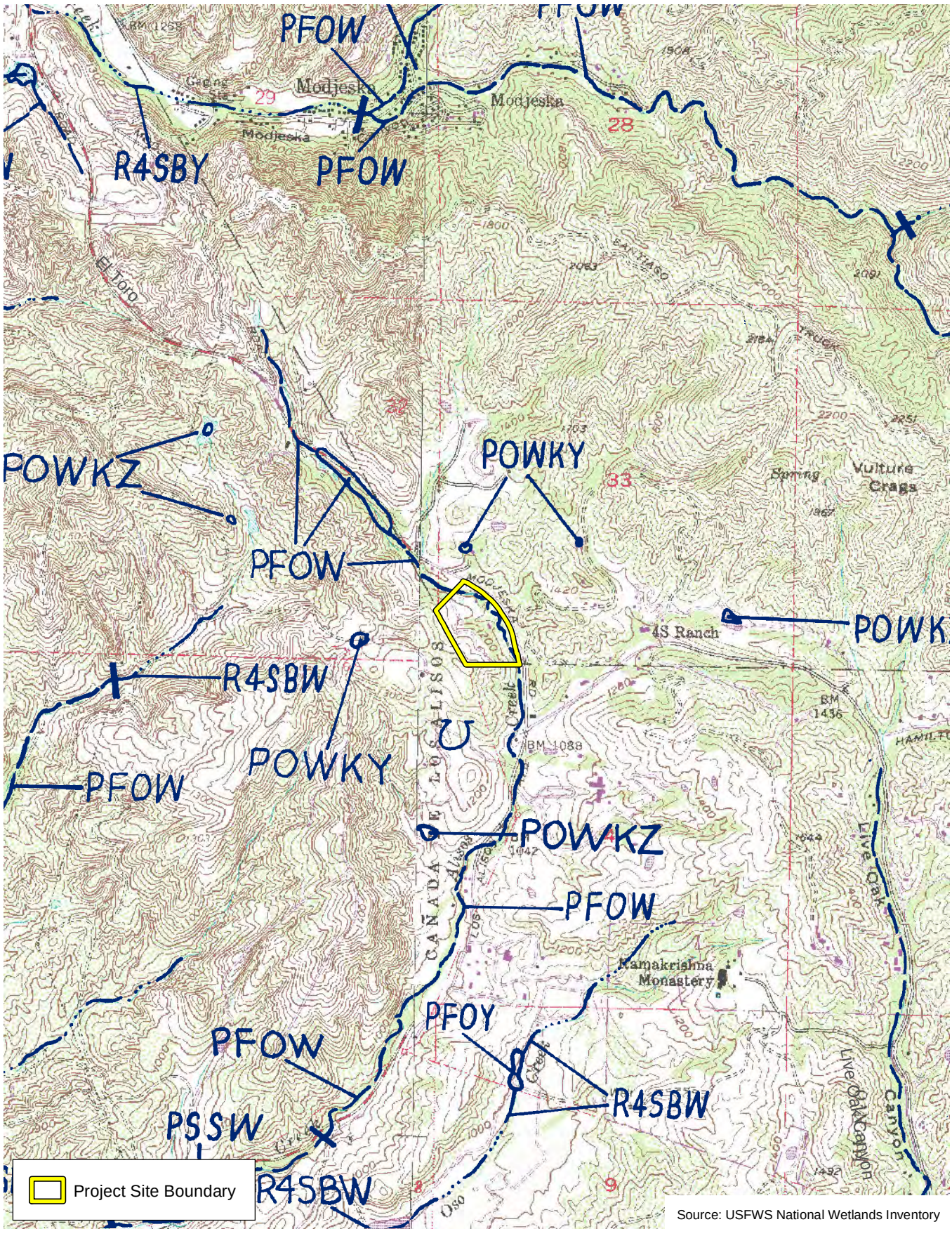
2.5 JURISDICTIONAL DELINEATION

In September 2008, the USACE issued the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region*. This regional supplement is designed for use with the *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987). Both manuals provide technical methods and guidelines for determining the presence of "Waters of the U.S." and wetland resources. A three-parameter approach is used to identify

wetlands and requires evidence of wetland hydrology, hydrophytic vegetation, and hydric soils. Wetlands generally include swamps, marshes, bogs, and similar areas. In order to be considered a wetland, an area must exhibit at least minimal hydric characteristics within the three parameters. However, problem areas may periodically or permanently lack certain indicators due to seasonal or annual variability of the nature of the soils or plant species on site. Atypical wetlands lack certain indicators due to recent human activities or natural events. Guidance for determining the presence of wetlands in these situations is presented in the regional supplement. Non-wetland "Waters of the U.S." are delineated based on the limits of the OHWM, which can be determined by a number of factors including: erosion, the deposition of vegetation or debris, and changes in vegetation.

It should be noted that the RWQCB shares the USACE jurisdiction, unless "isolated waters" conditions are present. If "isolated waters" conditions are present, the RWQCB takes jurisdiction using the OHWM and/or the three-parameter wetlands methodology that the USACE uses. The CDFG's jurisdiction is defined as the top of the bank of the stream/channel/basin or to the outer limit of riparian vegetation located within or immediately adjacent to the river, stream, creek, pond, or lake or other impoundment

The analysis contained in this report uses the results of a field survey to verify current conditions. Mr. Medeiros and Ms. Rudalevige conducted the field survey on October 8, 2008. During the field survey, jurisdictional areas containing vegetation, soils, and evidence of hydrology were recorded on a 1 inch equals 200 feet (1″ = 200′) aerial photograph. Photographs of the jurisdictional areas were taken and are presented in Exhibit 5.



Source: USFWS National Wetlands Inventory

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National Wetlands Inventory

Exhibit 4

Rancho Las Lomas

N W E S

2,000 1,000 0 2,000 Feet

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Photo Locations

Exhibit 5a

Rancho Las Lomas

N
W E
S

150 75 0 150

Feet

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Upstream end of the project site facing southeast. Photo location 1.

Upstream end of the project site facing northwest. Photo location 1.

Bridge near center of project site. Photo location 4.

Representative view of Aliso Creek on site. Photo location 2.

Pipe discharging into Aliso Creek. Photo location 3.

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Site Photographs

Exhibit 5b

Rancho Las Lomas

BonTerra CONSULTING

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Road fill in Aliso Creek. Photo location 5.

Downstream end of project site facing south. Photo location 7.

Sixty-inch culvert near downstream end of project site. Photo location 6.

Downstream end of project site facing north. Photo location 7.

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Site Photographs

Exhibit 5c

Rancho Las Lomas

BonTerra CONSULTING

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3.0 RESULTS

3.1 VEGETATION

Vegetation was formally analyzed at five sampling points along Aliso Creek. The Dominance Test was passed at two locations on the project site (Sampling Points 2 and 4). These areas have a mix of UPL, FACW, FAC, and OBL vegetation. Therefore, the hydrophytic vegetation criterion for wetlands is met in these areas.

Along the creek, the tree stratum is dominated by coast live oak (*Quercus agrifolia*) and western sycamore (*Platanus racemosa*). In most areas of the creek, the bed consists of recently deposited sand, gravel, and cobble with a riparian overstory and predominantly ornamental understory growing down from the creek banks. The primary understory vegetation is periwinkle (*Vinca major*), a UPL species. Therefore, vegetation along Aliso Creek meets the hydrophytic vegetation criterion for wetlands only at Sampling Points 2 and 4.

3.2 SOIL

The USDA determined that Aliso Creek is underlain by Sorrento loams (USDA 2007); however, soils excavated at the five sampling points did not fall within the range of characteristics of a Sorrento soil. Instead, the creek bottom was primarily sand, gravel, and cobble (loamy at Sampling Point 4). These soils lack stratification and are recently deposited; therefore, they may lack features of a hydric soil. However, a hydrogen sulfide odor (i.e., a hydric soil indicator) was detected at Sampling Point 2. This area is immediately downstream of a box culvert that conveys seasonal storm flows and perennial non-storm runoff. Therefore, the hydric soil criterion for wetlands was met in this area.

3.3 HYDROLOGY

Aliso Creek exhibits multiple primary and secondary indicators of wetland hydrology, including sediment deposits, drift deposits, drainage patterns, surface water, a high water table, saturation, and a hydrogen sulfide odor. Therefore, the wetland hydrology criterion was met for all areas of the creek on the project site.

4.0 JURISDICTIONAL DELINEATION

4.1 U.S. ARMY CORPS OF ENGINEERS DETERMINATION

Wetlands Determination: As described in Section 2.0 of this report, an area must exhibit all three wetland parameters, as described in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE 2008) and the *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) in order to be considered a jurisdictional wetland. Sampling Point 2 exhibits indicators of wetland hydrology, hydrophytic vegetation, and hydric soils. No other portion of the project site contains all three wetland parameters. Based on the field observations and data collection, of the approximately 0.529 acre of jurisdictional resources found on site, approximately 0.034 acre of wetlands occurs on the project site (Exhibit 6). Based on the most current project design, no wetland "Waters of the U.S." will be impacted by the proposed project.

"Waters of the U.S." (Non-Wetland) Determination: Aliso Creek exhibits evidence of hydrology sufficient to document that the OHWM meets the criteria for USACE jurisdictional waters. Based on field observations and data collection, a total of approximately 0.495 acre of USACE jurisdictional non-wetland "Waters of the U.S.", of which 0.035 acre is open water, occurs on the project site (Exhibit 6). Based on the most current project design, a total of approximately 0.529 acre of jurisdictional waters occurs on the project site, of which 0.074 acre of non-wetland "Waters of the U.S." will be impacted by the proposed project (Table 2). This includes less than 0.001 acre due to permanent structural impacts; 0.009 acre due to impacts from shade of proposed bridges; and 0.065 acre due to removal of existing bridges and the road fill.

TABLE 2
IMPACTS TO USACE JURISDICTIONAL WATERS

"Waters of the U.S."	Permanent Impact (Acre)		Temporary Impact (Acre)[a]	Total Impact (Acre)
	Structural	Shade		
Bridge 1	–	0.004	0.008	0.012
Bridge 2	0.000[b]	0.001	0.014	0.015
Foot Bridge A	–	0.001	0.004	0.005
Foot Bridge B	–	0.002	0.000[d]	0.002
Concrete Wall Footing	0.000[c]	0.001	0.000[e]	0.001
Cement	–	–	0.039	0.039
Total	***0.000***	***0.009***	***0.065***	***0.074***

[a] Temporary impacts for bridges consist of removal of existing bridges.
[b] Structural impact is 0.0002 acre.
[c] Structural impact is 0.0006 acre.
[d] Structural impact is 0.0003 acre.
[e] Structural impact is 0.0006 acre.

4.2 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD DETERMINATION

The RWQCB's jurisdictional boundaries are the same as those determined to be USACE "Waters of the U.S." for drainages on the project site. However, the RWQCB takes jurisdiction over both connected and isolated waters. There were no isolated waters on the project site; therefore, a total of approximately 0.529 acre under the jurisdiction of the RWQCB occurs on the project site. As noted above, the jurisdictional limits were defined as the OHWM in the creek. Project implementation would result in 0.074 acre of total impacts (0.009 acre for shade and 0.065 acre for temporary impacts).

Impact Detail					
Impact	Location	Type of Modification	Impact	Location	Type of Modification
	1	Concrete Wall Footing was installed by landowner as part of the development of Rancho Las Lomas.		8	Concrete deposit within Aliso Creek.
	2	Concrete downstream of Vehicle Bridge No. 2		9	Concrete deposit within Aliso Creek.
	3	Vehicle Bridge No. 2 installed by landowner as part of the development of Rancho Las Lomas.		10	Concrete deposit within Aliso Creek.
	4	Concrete deposit in Aliso Creek.		11	Concrete deposit within Aliso Creek.
	5	Pedestrian Bridge A.		12	Concrete deposit within Aliso Creek.
	6	Pedestrian Bridge B		13	Concrete deposit within Aliso Creek.
	7	Concrete deposit within Aliso Creek.		14	Concrete deposit within Aliso Creek.
				15	Vehicle Bridge No. 1 (Main Entrance).

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USACE Jurisdictional Resources

Exhibit 6

Rancho Las Lomas

N W E S

150 75 0 150 Feet

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4.3 CALIFORNIA DEPARTMENT OF FISH AND GAME DETERMINATION

The CDFG jurisdiction was generally defined by the outer edge of adjacent riparian vegetation. In areas lacking adjacent vegetation, CDFG jurisdiction was defined by the top of the creek bank. Based on field observations and data collection, approximately 2.479 acres of CDFG jurisdiction occurs on the project site (Exhibit 7). Based on the most current project design, a total of approximately 0.109 acre under the jurisdiction of the CDFG will be impacted by the proposed project (Table 3). This includes less than 0.001 acre due to permanent structural impacts; 0.029 acre due to impact from shade of proposed bridges; and 0.080 acre due to removal of existing bridges and the road fill.

TABLE 3
IMPACTS TO CDFG JURISDICTIONAL WATERS

CDFG Jurisdiction	Permanent Impact (Acre)		Temporary Impact (Acre)[a]	Total Impact (Acre)
	Structural	Shade		
Bridge 1	0.000	0.010	0.024	0.034
Bridge 2	0.000	0.008	0.012	0.020
Foot Bridge A	0.000	0.005	0.005	0.010
Foot Bridge B	0.000[b]	0.006	0.000	0.006
Concrete Wall Footing	0.000[c]	0.000	0.000	0.000
Cement	0.000	0.000	0.039	0.039
Total	***0.000***	***0.029***	***0.080***	***0.109***

[a] Temporary impacts for bridges consist of removal of existing bridges.
[b] Structural impact is 0.0003 acre.
[c] Structural impact is 0.0006 acre.

5.0 CONCLUSION OF REGULATORY APPROVAL PROCESS

5.1 REGULATORY PERMIT REQUIREMENTS

The following is a general summary of the various permits, agreements, and certifications required prior to initiation of project activities which involve impacts to areas under the jurisdiction of the USACE, the RWQCB, or the CDFG. A summary of the regulatory permit requirements is as follows:

- A USACE Section 404 Permit;
- An RWQCB Section 401 Water Quality Certification; and
- A CDFG Section 1602 Streambed Alteration Agreement.

It should be noted that the USACE and the RWQCB applications can be processed concurrently. The USACE permit would be issued subject to the receipt of the RWQCB's Section 401 Water Quality Certification. There is no filing fee for the Section 404 Permit. The Section 401 Water Quality Certification filing fee has a $944 base fee with additional fees based on the size of the dredge or fill unless the project qualifies for a flat fee. For low impact discharges (e.g., discharge of less than 0.1 acre, 200 linear feet, and 25 cubic yards), there is no charge above the base fee. For fill and excavation discharges, there is a rate of $4,059 per acre of discharge. For dredging discharges, there is a rate of $0.15 per cubic yard of dredge volume. For discharges to isolated waters the applicable fee is doubled, except for restoration projects.

The CDFG's Streambed Alteration Agreement filing fee is based on project cost and length of permit authorization. For projects lasting five years or less, the maximum fee is $4,482.75 for projects costing $500,000 or more; the fee decreases as cost decreases. For projects lasting longer than five years, there is a base fee of $2,689.50 plus a maximum of $4,482.75. The current fee schedule can be found on the CDFG website at: http://www.dfg.ca.gov/habcon/1600/forms.html. The CDFG application submittal will not be deemed complete by the CDFG until the application fees have been paid and the agency is provided with a certified California Environmental Quality Act (CEQA) document and a signed copy of the receipt of County Clerk filing fees for the Notice of Determination (NOD). In addition, land use jurisdictions can no longer make "de minimis" findings if they determine that the project will not impact resources under the CDFG's jurisdiction. Therefore, the finding of "No Impact" to the CDFG jurisdictional resources must now be made by the CDFG prior to the payment of CDFG fees.

Permit authorizations from the USACE, the RWQCB, and the CDFG are required prior to the initiation of any project-related construction activities that involve impacts to jurisdictional resources (i.e., drainages, streams, or wetlands) within and/or immediately adjacent to a project site. Impacts may include filling; stockpiling; converting to a storm drain; modifying an existing storm drain or channel; creating a channel; stabilizing a bank; modifying road or utility transmission line crossings; or completing other modifications of an existing drainage, stream, or wetland. Both permanent and temporary impacts to jurisdictional resources are regulated activities that require permit authorization from these agencies.

A detailed explanation of the regulatory permitting requirements for impacts to jurisdictional resources is provided in Sections 5.2 through 5.4.

Impact Detail

Impact	Location	Type of Modification	Impact	Location	Type of Modification
◐	1	Concrete Wall Footing was installed by landowner as part of the development of Rancho Las Lomas.	○	8	Concrete deposit within Aliso Creek.
○	2	Concrete downstream of Vehicle Bridge No. 2	○	9	Concrete deposit within Aliso Creek.
○	3	Vehicle Bridge No. 2 installed by landowner as part of the development of Rancho Las Lomas.	○	10	Concrete deposit within Aliso Creek.
○	4	Concrete deposit in Aliso Creek.	○	11	Concrete deposit within Aliso Creek.
○	5	Pedestrian Bridge A.	○	12	Concrete deposit within Aliso Creek.
◐	6	Pedestrian Bridge B	○	13	Concrete deposit within Aliso Creek.
○	7	Concrete deposit within Aliso Creek.	○	14	Concrete deposit within Aliso Creek.
			○	15	Vehicle Bridge No. 1 (Main Entrance).

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CDFG Jurisdictional Resources

Exhibit 7

Rancho Las Lomas

N W E S

150 75 0 150 Feet

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5.2 U.S. ARMY CORPS OF ENGINEERS

There are two primary permits that the USACE routinely issues. These include a "Nationwide Permit" (NWP) and an "Individual Permit" (IP). The NWP is a type of general permit that authorizes certain specified activities nationwide. An IP is a permit that is issued following an individual evaluation and a determination that the proposed activity is not contrary to the public interest. Standard permits and letters of permission are types of individual permits. The specific permit that is required depends on the project description and extent of jurisdictional impacts.

The loss of "Waters of the U.S." acreage is a threshold measurement of the impact to jurisdictional waters and determines whether a project may qualify for an NWP or must be authorized under an IP. Regulatory authorization in the form of an IP will be required from the USACE Regulatory Branch-Los Angeles District Office if any permanent, construction-related activity results in a discharge of material into USACE jurisdictional "Waters of the U.S." that are greater than 0.5 acre or 300 linear feet. Permanent impacts up to 0.5 acre and less than 300 linear feet may be authorized under the provisions of the NWP. Impacts not included in the measurement of loss of "Waters of the U.S." include waters that are temporarily filled, flooded, excavated, or drained but restored to pre-construction contours and elevations after construction. Based on the current project design, a total of approximately 0.074 acre of "Waters of the U.S." will be impacted by the proposed project. Therefore, authorization would likely be in the form of NWP Nos. 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities) (see Attachment D).

5.2.1 Jurisdictional Determinations

Pursuant to USACE Regulatory Guidance Letter (RGL) 08-02 (dated June 26, 2008), the USACE can issue two types of jurisdictional determinations to implement Section 404 of the CWA: Approved Jurisdictional Determinations and Preliminary Jurisdictional Determinations. An Approved Jurisdictional Determination is an official USACE determination that jurisdictional "Waters of the U.S.", "Navigable Waters of the U.S.", or both are either present or absent on a site. An Approved Jurisdictional Determination also identifies the precise limits of jurisdictional waters within a project site.

The USACE will provide an Approved Jurisdictional Determination when (1) an applicant requests an official jurisdictional determination; (2) an applicant contests jurisdiction over a particular water body or wetland; or (3) when the USACE determines that jurisdiction does not exist over a particular water body or wetland. The Approved Jurisdictional Determination then becomes the USACE's official determination that can then be relied upon over a five-year period to request regulatory authorization as part of the permit application.

In addition, an Applicant may decline to request an Approved Jurisdictional Determination and instead obtain a USACE IP or General Permit authorization based on a Preliminary Jurisdictional Determination or, in certain circumstances (e.g., authorizations by non-reporting nationwide general permits), no Jurisdictional Determination.

Preliminary Jurisdictional Determinations are non-binding, advisory in nature, and may not be appealed. They indicate that there may be "Waters of the U.S." on a project site. An applicant may elect to use a Preliminary Jurisdictional Determination to voluntarily waive or set aside questions regarding CWA jurisdiction over a site, usually in the interest of allowing the applicant to move ahead expeditiously with the permitting process. The USACE will determine what form of Jurisdictional Determination is appropriate for a particular project site.

On January 31, 2007, the USACE published a memorandum clarifying the Interim Guidance for amendments to the National Historic Preservation Act and the Advisory Council on Historic Preservation (ACHP) implementing regulations. The Interim Guidance applies to all Department of the Army requests for authorization/verification, including individual permit (standard permits and letters of permission) and all Regional General Permits (RGP) and NWPs. The State or Tribal Historic Preservation Officer (SHPO/THPO) has 30 days to respond to a determination that a proposed activity, that otherwise qualifies for an NWP or RGP, has no effect or no adverse effect on a historic property. If the SHPO/THPO does not respond within 30 days of notification, the District may proceed with the verification. If the SHPO/THPO disagrees with the District's determination, the District may work with the SHPO/THPO to resolve the disagreement or request an opinion from the ACHP. The USACE will submit the Draft Jurisdictional Delineation Report to the SHPO/THPO for review prior to initiating the actual regulatory process.

The USACE Regulatory Branch Offices will coordinate with the USEPA Regional Office and USACE Headquarters (HQ), as outlined in its January 28, 2008, memorandum entitled the "Process for Coordinating Jurisdictional Delineations Conducted Pursuant to Section 404 of the Clean Water Act in Light of the *Rapanos* and *SWANCC* Supreme Court Decisions" (USACE 2008b). The guidance provided in this memorandum is quoted as follows:

1. Effective immediately, unless and until paragraph 5(b) of the June 5, 2007, Rapanos guidance coordination memorandum is modified by a joint memorandum from Army and EPA, we will follow these procedures:

    a. For jurisdictional determinations involving significant nexus determinations, USACE districts will send copies of draft jurisdictional delineations via e-mail to appropriate [USEPA] regional offices. The [USEPA] regional office will have 15 calendar days to decide whether to take the draft jurisdictional delineation as a special case under the January 19, 1989, "Memorandum of Agreement Between the Department of the Army and the USEPA Concerning the Determination of the Section 404 Program and the Application of the Exceptions under Section 404(f) of the Clean Water Act." If the [USEPA] regional office does not respond to the district within 15 days, the district will finalize the jurisdictional determination.

    b. For jurisdictional determinations involving isolated waters determinations, the agencies will continue to follow the procedure in paragraph 5(b) of June 5, 2007, coordination memorandum, until a new coordination memorandum is signed by USACE and [USEPA]. (In accordance with paragraph 6 of the June 5, 2007, coordination memorandum, this is a 21-day timeline that can only be changed through a joint memorandum between agencies).

2. Approved [Jurisdictional Determinations] are not required for non-reporting NWPs, unless the project proponent specifically requests an approved [Jurisdictional Determination]. For proposed activities that may qualify for authorization under a State Programmatic General Permit (SPGP) or RGP, an approved [Jurisdictional Determination] is not required unless requested by the project proponent.

3. The USACE will continue to work with [USEPA] to resolve the [Jurisdictional Determinations] involving significant nexus and isolated waters determinations that are currently in the elevation process.

4. USACE districts will continue posting completed Approved [Jurisdictional Determination] Forms on their web pages.

Please note that if the USACE determines that the drainages are jurisdictional and would be impacted by project implementation, the Applicant will be required to obtain a CWA Section 401 Water Quality Certification from the RWQCB before the USACE will issue the

Section 404 permit. That is, the USACE may issue a "Denial Without Prejudice" as part of the issuance of the Section 404 permit that makes the permit valid once the Section 401 Water Quality Certification is issued. If the USACE determines that the impacted drainages are non-jurisdictional, the Applicant will be required to obtain RWQCB authorization under the provisions of a Report of Wastewater Discharge (WDR).

Please also note that the USACE has prepared Draft Guidelines on Identifying Waters Protected by the Clean Water Act (Act) to implement the U.S. Supreme Court's decisions concerning the extent of waters covered by the Act (*Solid Waste Agency of Northern Cook County v. USACE* [SWANCC] and *Rapanos v. United States* [Rapanos]). The review period for the draft guidelines ended in July 2011. The USEPA and the USACE will now consider comments received on the draft guidelines, make revisions where appropriate, finalize and undertake rulemaking consistent with the Administrative Procedure Act. The result will be a "nonbinding guidance" for the identification of resources under the jurisdiction of the USACE. The final guidance will not affect jurisdictional delineations that have already received approval from the USACE.

5.3 REGIONAL WATER QUALITY CONTROL BOARD

As noted above, issuance of the USACE Section 404 permit would be contingent upon the approval of a Section 401 Water Quality Certification from the San Diego RWQCB (Region 9). Also, the RWQCB requires certification of the project's CEQA documentation before it will approve the Section 401 Water Quality Certification or WDR. The RWQCB, as a responsible agency, will use the project's CEQA document to satisfy its own CEQA compliance requirements.

Upon acceptance of a complete permit application, the RWQCB has between 60 days and 1 year to make a decision regarding the permit request. That is, USACE regulations indicate that the RWQCB has 60 days from the date of receipt of a completed application that requests water quality certification to make a decision (33 CFR Section 325.2[b][1][ii]). Please note that the USACE District Engineer may specify a longer time (up to one year) or shorter time based on their determination of a reasonable processing time (per 33 CFR Section 325.2[b][1][ii]). If the RWQCB determines that more than 60 days is needed to process the request, it has the option of requesting additional time from the USACE. Also, please note that the RWQCB has the option of issuing a "denial without prejudice", which does not mean that the request is denied, but that it requires more information in order to make a decision. This effectively stops the processing clock until this information is provided.

The RWQCB is required under *California Code of Regulations* (CCR) (Title 23, §3858[a]) to have a "minimum 21 day public comment period" before any action can be taken on the 401 application. This period closes when the RWQCB acts on the application. Since projects often change or are revised during the 401 permit process, the comment period can remain open. The public comment period starts as soon as an application has been received. Generally, the RWQCB Section 401, USACE Section 404, and CDFG Section 1602 permit applications run concurrently and close at about the same time. However, the RWQCB Section 401 Water Quality Certification may take longer to process.

The RWQCB will require the Applicant to address urban storm water runoff during and after construction in the form of Best Management Practices (BMPs). These BMPs are intended to address the treatment of pollutants carried by storm water runoff and are required in all complete applications. Please note that the application would also require a 401 Application Fee, which would be based the amount of project impacts.

5.4 CALIFORNIA DEPARTMENT OF FISH AND GAME

The CDFG regulates all work (including initial construction and ongoing operation and maintenance) that may substantially divert or obstruct the natural flow of or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake through its Streambed Alteration Program. An Applicant must enter into an agreement with the CDFG to ensure no net loss of wetland values and acreages.

Impacts resulting from project implementation will require a Section 1602 Streambed Alteration Agreement. The Streambed Alteration Agreement must address the initial construction as well as long-term operation and maintenance of any structures within areas identified as "Waters of the State" (such as a culvert or desilting basin) that may require periodic maintenance if these are included in the project design.

Prior to construction, a notification (SAA application) must be submitted to the CDFG that describes any proposed streambed alteration contemplated by the proposed project. In addition to the formal application materials and the fee, a copy of the appropriate environmental document (e.g., mitigated negative declaration) must be included in the submittal, consistent with CEQA requirements. The CDFG will prepare a draft SAA which will include standard measures to protect sensitive plant and wildlife resources during project construction as well as during ongoing operation and maintenance of any project element that occurs within a CDFG jurisdictional area.

If a Streambed Alteration Agreement is required, the CDFG may want to conduct an on-site inspection. The CDFG then prepares a draft agreement which will include measures to protect fish and wildlife resources that will be directly or indirectly impacted by project construction. The draft agreement will be transmitted to the Applicant within 60 calendar days of the CDFG's determination that the notification is complete. It should be noted that the 60-day timeframe may not apply to long-term agreements.

The Applicant has 30 calendar days to notify the CDFG concerning the acceptability of the proposed terms, conditions, and measures. If the Applicant agrees with these terms, conditions, and measures, the agreement must be signed and returned to the CDFG. The agreement becomes final once the CDFG executes it and a Streambed Alteration Agreement is issued. Note that all application fees must be paid and the final certified CEQA documentation must be provided prior to the CDFG's execution of the agreement.

If the CDFG does not respond in writing concerning the completeness of the Notification within 30 days of its submittal to CDFG, the Notification automatically becomes complete. If the CDFG does not submit a draft SAA to the Applicant within 60 days of the determination of a completed Notification package, the CDFG will issue a letter that either: (1) identifies the final date that the CDFG has to transmit a draft Streambed Alteration Agreement or (2) indicates that as Streambed Alteration Agreement was not required. The CDFG will also indicate that it was unable to meet this date and that, by law, the Applicant must complete the project without a Streambed Alteration Agreement, and must comply with all avoidance, minimization, and mitigation measures described in the submitted Notification package.

5.5 RECOMMENDATIONS

A history of resource agency coordination activities and recommendations for finalizing the proposed habitat mitigation program and re-submitting revised USACE, CDFG, and RWQCB permit application materials is discussed below.

July 8, 2009, Agency Concurrence and Pre-Application Meeting: A "Pre-Application Field Meeting" was held on July 8, 2009, with Ms. Tamara Spear of CDFG and Mr. Chad Loflin of RWQCB. Mr. Forest Vandervilt of the USACE was also invited but was unable to attend. The purpose of the meeting was to review the project, the impacts that would result from project implementation, and the proposed mitigation. This meeting also included a review of the following: the Jurisdictional Delineation mapping and impact assessment; project site plans; project purpose; anticipated project schedule; identification of sensitive plant and wildlife species; proposed mitigation; and other relevant information associated with regulatory permit authorization. The proposed project is not expected to impact Threatened or Endangered Species, and therefore the USFWS was not included. A summary of this meeting is provided in Attachment E.

This Jurisdictional Delineation Report has been updated to reflect the comments and recommendations for the agency staff received during the July 8, 2009, meeting, as summarized below.

Mitigation Measures: The proposed project includes a riparian habitat restoration element. The Applicant requests that the proposed project serve as retroactive mitigation for the loss of jurisdictional resources resulting from the previously conducted vegetation removal. If the resource agencies approve this mitigation, a Habitat Mitigation and Monitoring Plan (HMMP) will be prepared containing the following items:

- *Responsibilities and qualifications of the personnel to implement and supervise the plan.* The responsibilities of the Landowner, Specialists, and Maintenance Personnel that would supervise and implement the plan will be specified.
- *Site preparation and planting implementation.* Site preparation will include (1) protection of existing native species; (2) trash and weed removal; (3) native species salvage and reuse (i.e., duff); (4) soil treatments (i.e., imprinting, decompacting); (5) temporary irrigation installation; (6) erosion-control measures (i.e., rice or willow wattles); (7) seed mix application; and (8) container species planting.
- *Schedule.* A schedule will be developed which includes planting in late fall and early winter (i.e., between October 1 and January 30).
- *Maintenance plan/guidelines.* The Maintenance Plan will include (1) weed control; (2) herbivory control; (3) trash removal; (4) irrigation system maintenance; (5) maintenance training; and (6) replacement planting.
- *Monitoring Plan.* The Monitoring Plan will include (1) qualitative monitoring (i.e., photographs and general observations); (2) quantitative monitoring (i.e., randomly placed transects); (3) performance criteria, as approved by the resource agencies listed above; (4) monthly reports for the first year and reports every other month thereafter; and (5) annual reports for five years, which will be submitted to the resource agencies on an annual basis. The site will be monitored and maintained for five years to ensure successful establishment of riparian habitat within the restored and created areas.
- *Long-term preservation.* Long-term preservation of the site will also be outlined in the conceptual Mitigation Plan to ensure the mitigation site is not impacted by future development.

Regulatory Permit History from 2009 to 2012: On December 22, 2009, an application was submitted the USACE. On February 4, 2010, BonTerra Consulting received notice from USACE indicating that the Section 404 permit application was complete and requesting completion of the Preliminary Jurisdictional Determination Form. BonTerra Consulting reviewed the draft Preliminary Jurisdictional Determination Form with Mr. Jim Walton and, with his approval,

completed the form and transmitted it to the USACE on February 4, 2010. On March 1, 2010, BonTerra Consulting received a letter from Corice Farrar of the USACE regarding the Preliminary Jurisdictional Determination; this letter acknowledged that the project would be covered under a NWP No. 27, which would be issued immediately following the receipt of the RWQCB 401 Water Quality Certification (WQC). The project was revised following this submittal in 2010. Therefore, a revised application wille submitted to the USACE following approval of the project by the County of Orange. It should be noted that the USACE may require the completion of the Standard Operating Procedure for Determination of Mitigation Ratios checklist which also requires the completion of a California Rapid Assessment Method (CRAM) evaluation. The USACE may also require the completion of a revised Preliminary Jurisdictional Determination Form.

A CWA Section 401 application was submitted to the RWQCB on December 22, 2009. On January 21, 2010, BonTerra Consulting received a letter from Mr. Chad Loflen of the RWQCB stating the application No. 09C-096 was deemed complete. Mr. Loflen also requested the following items before the WQC would be issued:

- Copy of the Mitigation Plan (HMMP);
- Final Mitigated Negative Declaration with Notice of Determination;
- Biological Resources Report; and
- Remainder of the application fees.

As previously noted, the project has been revised since the initial application submittal in 2009. Therefore, a letter that supplements the 2009 application information, along with the requested information listed above, will be submitted to the RWQCB following the approval of the project by the County of Orange.

On December 22, 2009, a Lake or Streambed Alteration Notification/Application was submitted to CDFG. On January 15, 2010, BonTerra Consulting received comments on the application from Darren Bradford of CFDG. On January 20, 2010, BonTerra Consulting transmitted an email to Mr. Bradford that provided information regarding the status of the Mitigated Negative Declaration; permanent and temporary project impacts on Aliso Creek and impacts to biological resources; on-site biological monitoring during construction; an oak tree management and preservation; an HMMP; and as-built drawings for the bridge/culvert structures that are to be demolished and replaced with free-span bridges. The application expired in October 2011. Therefore, a new application would need to be submitted following project approval by the County of Orange.

6.0 REFERENCES

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ATTACHMENT A

SITE PLANS

LEGEND

DESIGNATOR	BUILDING OR STRUCTURE NAME	DESIGNATOR	BUILDING OR STRUCTURE NAME
"C"	RESTROOMS	"X"	BIRD CAGE
"D"	ENCLOSED STAIRWAY AND DECK	"Y"	BIRD CAGE
		"Z"	PUMP HOUSE
"E"	BRIDES QUARTERS	"A-A"	RANCH OFFICE ABOVE VALET BELOW
"F"	EXTERIOR CHAPEL	"A-B"	STORAGE
"G"	EMPLOYEE COTTAGE	"A-C"	GAZEBO
"H"	CONFERENCE CENTER	"A-G"	KIOSK
"J"	BIRD CAGE	"A-E"	CREEKSIDE RESTROOMS
"K"	BIRD CAGE	"A-F"	TRELLIS
"L"	RANCH HOUSE	"A-H"	ENTRY GATE
"M"	ANIMAL CAGES	"A-K"	WATER TANK
"N"	FELINE CAGE	"A-L"	WATER TOWER W/ SIGN
"P"	BARN	"A-M"	FELINE CAGE
"Q"	GARAGE	BRIDGE 1	CLEARSPAN BRIDGE
"R"	EMPLOYEE QUARTERS	BRIDGE 2	CLEARSPAN BRIDGE
"S"	CAGES (3)	FOOT BRIDGE A	CLEARSPAN FOOTBRIDGE
"T"	CAGE	FOOT BRIDGE B	CLEARSPAN FOOTBRIDGE

RESIDENTIAL RANCH USE ONLY

SITE DEVELOPMENT STANDARDS

PARCEL SIZE: 21.4 ACRES (934,011 SF) (2 LEGAL BUILDING SITES)

SITE COVERAGE:

BUILDINGS/PATIOS/WALKS: 74,722 SF

ROADS/PARKING LOTS: 128,998 SF

203,720 SF

21.8% COVERAGE **

DIRT LANES: 45,123 SF

4.8% COVERAGE

MAX BUILDING HEIGHT: 34' -8" (35' ALLOWED)

SETBACKS:

1) 100' FROM ULTIMATE RIGHT-OF-WAY FOR SANTIGO CANYON RD.
2) 50' FROM ANY DISTRICT ZONED RESIDENTIAL USE
3) 25' FROM ANY DISTRICT NON-ZONED RESIDENTIAL USE

FIRE ACCESS LANES:

OCFA APPROVED AT 20' WIDE (SEE SHEET FA-1)

** NOTE: WALKS, PATIOS, BRIDGES, STAIRS AND BALCONIES WERE COUNTED AS 100% COVERAGE. NO REDUCTION WAS TAKEN

EASEMENT NOTES:

(A) CENTERLINE 10' WIDE SO. CAL. EDISON EASEMENT PER BOOK 6755, PAGE 158, O.R. (TO BE RELOCATED)

(B) CENTERLINE 20' WIDE PERPETUAL EASEMENT AND RIGHT OF WAY FOR DRAINAGE PER BOOK 9061, PAGE 673, O.R.

(C) CENTERLINE 40' WIDE ACCESS STRIP PER BOOK 11378, PAGE 1253, O.R.

(D) CENTERLINE 8' WIDE SO. CAL. EDISON EASEMENT PER BOOK 12817, PAGE 1754, O.R. (TO BE RELOCATED)

(E) 15' WIDE SO. CAL. EDISON EASEMENT PER BOOK 13101 PAGE 98, O.R.

1 2 D 3 INDICATES VIEW POINTS OF PICTURE LOCATION

SITE PLAN

1"= 50'-0"

NORTH

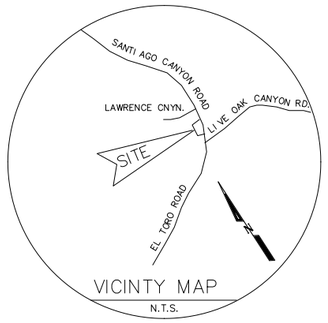
D:\Projects\Walton\J001\graphics\Ex_Structure_081012.ai

Site Plans

Attachment A

Rancho Las Lomas

Bonterra CONSULTING



PROJECT DATA

PROJECT ADDRESS: 19191 LAWRENCE CANYON SILVERADO, CA 92676–9801

PROJECT OWNER: JEANNIE L. LAWRENCE 19191 LAWRENCE CANYON SILVERADO, CA 92676–9801

OWNER'S AGENT: JIM WALTON 150 TINEMAHA ROAD #107–F6 INDEPENDENCE, CA 93526 1755 (916) 813–1458

PROJECT MANAGER: ANDRADE ARCHITECTS, INC. STAN ANDRADE 2880 S COAST HWY LAGUNA BEACH, CA. 92651 (949) 715–7474

ARCHITECT: ANDRADE ARCHITECTS 2880 S COAST HWY LAGUNA BEACH, CA 92651 (949) 715–7474

MECHANICAL & PLUMBING ENGINEER: MONTROSS & ASSOCIATES 2081 BUSINESS CENTER DR. IRVINE, CA 92612 (949) 553–9005

ELECTRICAL PLANS: MONTROSS & ASSOCIATES 2081 BUSINESS CENTER DR. IRVINE, CA 92612 (949) 553–9005

CIVIL ENGINEER/ STRUCTURAL CALCS.: GREG COOK 1524 BROOKHOLLOW DR. SUITE C SANTA ANA, CA 92705 (949) 642–7442

SOILS ENGINEER: PETRA, DAVID HANSEN 3185–A AIRWAY AVE. COSTA MESA, CA 92626 (714) 549–8921

OAK / SYCAMORE ASSESSMENT PLAN: BONTERA CONSULTING, MELISSA HOWE 151 KALMUS DRIVE COSTA MESA, CA 92626 (714) 444–9199

FIRE PLANNING CONSULTANTS: FIRE SAFE PLANNING SOLUTIONS 320 N. EL CAMINO REAL SAN CLEMENTE, CA 92672 (949) 240–5911

LANDSCAPE ARCHITECT: ANDRADE ARCHITECTS, INC. 2880 S COAST HWY LAGUNA BEACH, CA 92651 (949) 715–7474

TRAFFIC: STANTEC CONSULTING SERVICES INC. 19 TECHNOLOGY DR. IRVINE, CA 92618 (949) 923–6064

LEGAL DESCRIPTION:

PARCEL NO.1
APN NO.: 858–022–06
PARCEL NO.2
APN NO.: 858–022–07

SITE ADDRESS:

19191 LAWRENCE CANYON
SILVERADO, CA. 92676

STRUCTURE TABULATION

DESIGNATOR	BUILDING USE	OCCUPANCY	CONST. TYPE	NO. OF STORIES	FOOTPRINT AREA	ASSOCIATED PATIO,DECK, AREAS	SQ. FT./ OCCUPANT LOAD	PARKING REQ'D	(E) OR (P) CURRENT BLDG. STATUS	BUILDING HEIGHT	BLDG. PERMIT #	GRADING PERMIT #
"C"	RESTROOMS	R–3	V–NR	1	70 S.F.	–	70 S.F. MAX. O.L.=2	N/A	(E) BUILDING	10'–7"	NR070408	GB120033
"D"	ENCLOSED STAIRWAY AND DECK	U–1	V–NR	1	905 S.F. 440 S.F.	COURTYARD PATIO STAIRS DECK 12,659 S.F.	—	N/A	(E) BLDG IN USE AS STAIRWAY (E) DECK	27'–0"	NR070409	GB120033
"E"	BRIDES QUARTERS	B	V–NR	1	410 S.F.		410 S.F. MAX O.L.=4	1 SPACE	(E) BUILDING	15'–8"	NR070410	GB120033
"F"	EXTERIOR CHAPEL, HANDICAP RESTROOMS, STORAGE	B/U	V–NR	2	635 S.F.		903 S.F. MAX. O.L.=16 PATIO: 390 S.F.	6 SPACES	(E) BUILDING	34'–3"	NR070411	GB120033
"G"	EMPLOYEE COTTAGE (caretaker's residence)	R–3	V–NR	1	324 S.F.	317 S.F.	324 S.F. MAX. O.L.=1	2 SPACES	(E) BUILDING	11'–6"	NR070661	GB120033
"H"	CONFERENCE CENTER, PREP, KITCHEN, OFFICE, STORAGE	A–3	V–NR	1	5,397 S.F.	FOUNTAIN COLONADE 8,442 S.F. (water feature area: 831 s.f.)	5,397 S.F. O.L.=244	174 SPACES	(E) BUILDING	27'–10"	NR070662	GB120033
"J"	BIRD CAGE	U–3	V–NR	1	175 S.F.	—	175 S.F.	N/A	(E) CAGE	16'–8"	–	–
"K"	BIRD CAGE	U–3	V–NR	1	88 S.F.	—	175 S.F.	N/A	(E) CAGE	12'–2"	–	–
"L"	RANCH HOUSE (single family dwelling)	R–3	V–NR	1	921 S.F.	885 S.F.	—	2 SPACES	—	15'–1"	NR070664	–
"M"	ANIMAL CAGES	U–3	V–NR	1	640 S.F.	—	640 S.F. O.L.=3	N/A	(E) BARN	14'–0"	–	–
"N"	FELINE CAGE	U–3	V–NR	1	490 S.F.	—	490 S.F. COVERED 863 S.F. OPEN	N/A	(E) CAGE	13'–9"	–	–
"P"	BARN	B U–1	V–NR	2	1,078 S.F.	145 S.F.	2,156 S.F. O.L.=7	3 SPACES	(E) BUILDING	18'–2"	NR070665	GB120033
"Q"	GARAGE	U–1	V–NR	1	1,268 S.F.	—	1,268 S.F. O.L.=7	3 SPACES	(E) GARAGE	12'–9"	NR070666	GB120033
"R"	DUPLEX (single family dwellings)	R–3	V–NR	1	1,118 S.F.	DECK 519 S.F.	—	3 SPACES	(E) BUILDING	12'–0"	NR070671	GB120033
"S"	CAGES (3)	U–3	V–NR	1	2,404 S.F.	—	720 S.F.	N/A	(E) CAGES	10'–0"	–	–
"T"	CAGE	U–3	V–NR	1	1,078 S.F.	—	761 S.F.	N/A	(E) CAGE	17'–6"	–	–
"X"	BIRD CAGE	U–3	V–NR	1	3,905 S.F.	—	3,905 S.F.	N/A	(E) CAGE	9'–0"	–	–
"Y"	BIRD CAGE	U–3	V–NR	1	22 S.F.	—	22 S.F.	N/A	(E) CAGE	9'–0"	–	–
"Z"	PUMP HOUSE	S–2	V–NR	1	64 S.F.	—	64 S.F. O.L.=0	N/A	(E) BUILDING	11'–1"	NR070408	–
"A–A"	RANCH OFFICE ABOVE VALET BELOW	B	V–NR	2	173 S.F.	50 S.F.	346 S.F. O.L.=4	2 SPACES	(E) BUILDING	18'–5"	NR070672	GB120033
"A–B"	STORAGE	R	V–NR	1	123 S.F.	—	123 S.F. O.L.=2	1 SPACE	(E) BUILDING	10'–8"	NR070673	GB120033
"A–C"	GAZEBO	B	V–NR	1	174 S.F.	—	174 S.F. O.L.=2	N/A	(P) BUILDING	14'–5"	NR070669	GB120033
"A–G"	KIOSK	B	V–NR	1	174 S.F.	INCLUDED W/ D, F, E	174 S.F. O.L.=2	N/A	(E) BUILDING	14'–5"	–	–
"A–H"	ENTRY GATE	R–3	V–NR	1	300 S.F.	INCLUDED W/ D, F, E	—	N/A	(E) BUILDING	23'–6"	–	–
"A–E"	"CREEK SIDE" RESTROOMS	R–3	V–NR	1	300 S.F.	N/A	—	N/A	(E) BUILDING	14'–0"	NR070674	GB120033
"A–F"	TRELLIS	N/A	V–NR	1	650 S.F.	N/A	—	N/A	(E) STRUCTURE	–	–	–
"A–K"	WATER TANK	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(E) STRUCTURE	10'–3"	–	–
"A–L"	WATER TOWER W/ SIGN	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(E) STRUCTURE	19'–10"	NR070670	–
"A–M"	FELINE CAGE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(E) CAGE	12'–0"	–	–
BRIDGE 1	CLEARSPAN BRIDGE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(E) BRIDGE–TO BE IMPROVED	–	–	GB120033
BRIDGE 2	CLEARSPAN BRIDGE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(E) BRIDGE–TO BE IMPROVED	–	–	GB120033
FOOT BRIDGE A	CLEARSPAN FOOTBRIDGE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(E) BRIDGE–TO BE IMPROVED	–	–	GB120033
FOOT BRIDGE B	CLEARSPAN FOOTBRIDGE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(E) BRIDGE	–	–	GB120033
					23,326 S.F. TOTAL	23,008 S.F. TOTAL						

RANCH PARKING
REQUIRED 10 SPACES
PROVIDED 10 SPACES

COMMERCIAL PARKING
REQUIRED 187 SPACES
PROVIDED
VALET PARKING 188 SPACES
SELF PARKING 27 SPACES
TOTAL 215 SPACES

HANDICAP PARKING 6 SPACES

RESIDENTIAL RANCH USE ONLY

SHEET INDEX

D:/Projects/Walton/J001/graphics/Ex_titleStruct_122209.ai

Title Sheet

Rancho Las Lomas

Attachment A

Bonterra CONSULTING

R:/Projects/Walton/J001/Graphics/JD_Report/ExAttA2_titleStruct.pdf

ATTACHMENT B

WETLAND DATA FORMS

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Rancho Las Lomas - Walton J001 City/County: Unincorporated Orange Sampling Date: 10/8/08

Applicant/Owner: James Walton State: CA Sampling Point: 1

Investigator(s): Gary Medeiros, Allison Rudalevige Section, Township, Range: 33, T5S, R7W

Landform (hillslope, terrace, etc.): canyon Local relief (concave, convex, none): _____ Slope (%): 1-2

Subregion (LRR): C Lat: 33.688735 Long: -117.624306 Datum: NAD 83

Soil Map Unit Name: Alo Clay NWI classification: –

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No X	**Is the Sampled Area within a Wetland?** Yes _____ No X
Hydric Soil Present?	Yes _____ No X	
Wetland Hydrology Present?	Yes X No _____	

Remarks:
Development on site occurred without a permit; therefore, "normal circumstances" not present.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1. Quercus agrifolia	95	Y	UPL
2.			
3.			
4.			
	95	= Total Cover	
Sapling/Shrub Stratum (Plot size: _____)			
1. Ceratonia siliqua	<1	Y	UPL
2.			
3.			
4.			
5.			
	<1	= Total Cover	
Herb Stratum (Plot size: _____)			
1. Vinca major	10	Y	UPL
2. Festuca rubra	20	Y	FAC
3.			
4.			
5.			
6.			
7.			
8.			
	30	= Total Cover	
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
	_____	= Total Cover	

% Bare Ground in Herb Stratum 70 % Cover of Biotic Crust 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 25% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species _____	x 1 =	_____
FACW species _____	x 2 =	_____
FAC species 20	x 3 =	60
FACU species _____	x 4 =	_____
UPL species 106	x 5 =	530
Column Totals: 126 (A)		590 (B)

Prevalence Index = B/A = 4.68

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks:
"Bare Ground" includes leaf litter.

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-2	10YR 5/3	100					Sand	
2-19	10YR 3/3	100					sand	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: Cobble

Depth (inches): 19

Hydric Soil Present? Yes ____ No X

Remarks:

Soil texture is sandy with gravel and cobbles.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- X Sediment Deposits (B2) (**Riverine**)
- X Drift Deposits (B3) (**Riverine**)
- X Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ____ No X Depth (inches): ____

Water Table Present? Yes ____ No X Depth (inches): ____

Saturation Present? (includes capillary fringe) Yes ____ No X Depth (inches): ____

Wetland Hydrology Present? Yes X No ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Rancho Las Lomas - Walton J001 City/County: unincorporated Orange Sampling Date: 10/8/08

Applicant/Owner: James Walton State: CA Sampling Point: 2

Investigator(s): Gary Medeiros, Allison Rudalevige Section, Township, Range: 33, T5S, R7W

Landform (hillslope, terrace, etc.): canyon Local relief (concave, convex, none): _____ Slope (%): 1-2

Subregion (LRR): C Lat: 33.688508 Long: -117.622543 Datum: NAD83

Soil Map Unit Name: Sorrento loam NWI classification: –

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X No _____	**Is the Sampled Area within a Wetland?** Yes X No _____
Hydric Soil Present?	Yes X No _____	
Wetland Hydrology Present?	Yes X No _____	

Remarks:
Development on site occurred without a permit; therefore, "normal circumstances" not present.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1. Quercus agrifolia	50	Y	UPL
2. Platanus racemosa	30	Y	FACW
3. Juglans californica	15	N	FAC
4.			
	95	= Total Cover	
Sapling/Shrub Stratum (Plot size: _____)			
1. Platanus racemosa	<1	Y	FACW
2.			
3.			
4.			
5.			
	<1	= Total Cover	
Herb Stratum (Plot size: _____)			
1. Vinca major	5	Y	UPL
2. Festuca rubra	5	Y	FAC
3.			
4.			
5.			
6.			
7.			
8.			
	10	= Total Cover	
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
		= Total Cover	

% Bare Ground in Herb Stratum 85 % Cover of Biotic Crust 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 60 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

X Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No _____

Remarks:

SOIL

Sampling Point: 2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-4	5BG 3/1	100					Sandy	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- X Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: Cobble

Depth (inches): 4

Hydric Soil Present? Yes X No ___

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- X Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- X Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- ___ Drift Deposits (B3) (**Riverine**)
- X Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes X No ___ Depth (inches): 0

Water Table Present? Yes X No ___ Depth (inches): 0

Saturation Present? (includes capillary fringe) Yes X No ___ Depth (inches): 0

Wetland Hydrology Present? Yes X No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Rancho Las Lomas - Walton Tool City/County: unincorporated Orange Sampling Date: 10/8/08
Applicant/Owner: James Walton State: CA Sampling Point: 3
Investigator(s): Gary Medeiros, Allison Rudalevige Section, Township, Range: 33, T5S, R7W
Landform (hillslope, terrace, etc.): canyon Local relief (concave, convex, none): _____ Slope (%): 1-2
Subregion (LRR): C Lat: 33.688109 Long: -117.622657 Datum: NAD83
Soil Map Unit Name: Sorrento loam NWI classification: -
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No X	Is the Sampled Area within a Wetland? Yes _____ No X
Hydric Soil Present?	Yes _____ No X	
Wetland Hydrology Present?	Yes X No _____	

Remarks:
Development on site occurred without a permit; therefore, "normal circumstances" not present.

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1. Platanus racemosa	80	y	FACW
2. Quercus agrifolia	30	y	UPL
3. Pinus sp. (ornamental planting)	15	n	UPL
4.			
Total Cover:	125	50: ___ 20: ___	
Sapling/Shrub Stratum			
1. Platanus racemosa	1	y	FACW
2.			
3.			
4.			
5.			
Total Cover:	1	50: ___ 20: ___	
Herb Stratum			
1. Vinca major	90	y	UPL
2. Paspalum dilatatum	1	n	FAC
3.			
4.			
5.			
6.			
7.			
8.			
Total Cover:	91	50: ___ 20: ___	
Woody Vine Stratum			
1.			
2.			
Total Cover:			

% Bare Ground in Herb Stratum 10 % Cover of Biotic Crust _____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)
Total Number of Dominant Species Across All Strata: 4 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 50% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species 81	x 2 = 162
FAC species 1	x 3 = 3
FACU species _____	x 4 = _____
UPL species 135	x 5 = 675
Column Totals: 217 (A)	840 (B)

Prevalence Index = B/A = 3.87

Hydrophytic Vegetation Indicators:
___ Dominance Test is >50%
___ Prevalence Index is ≤3.0[1]
___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks:

SOIL

Sampling Point: 3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-5	10YR 3/2	100					sand	w/ gravel

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- X Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- X Drift Deposits (B3) (**Riverine**)
- X Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Thin Muck Surface (C7)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ____ No X Depth (inches): _____

Water Table Present? Yes X No ____ Depth (inches): 4

Saturation Present? (includes capillary fringe) Yes X No ____ Depth (inches): 0

Wetland Hydrology Present? Yes Y No ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Surface water adjacent to soil test pit.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Rancho Las Lomas - Walton Job1 City/County: unincorporated Orange Sampling Date: 10/8/08
Applicant/Owner: James Walton State: CA Sampling Point: 4
Investigator(s): Gary Medeiros, Allison Rudalevige Section, Township, Range: 33, T5S, R7W
Landform (hillslope, terrace, etc.): canyon Local relief (concave, convex, none): _____ Slope (%): 1-2
Subregion (LRR): C Lat: 33.687401 Long: -117.622162 Datum: NAD83
Soil Map Unit Name: Alo clay NWI classification: –
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X No _____	Is the Sampled Area within a Wetland? Yes _____ No X
Hydric Soil Present?	Yes _____ No X	
Wetland Hydrology Present?	Yes X No _____	

Remarks:
Development on site occurred without a permit; therefore, "normal circumstances" are not present.

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1. Platanus racemosa	70	y	FACW
2. Pinus sp. (ornamental planting)	10	n	UPL
3. Betula pendula	1	n	UPL
4.			
Total Cover: 81	50: ____ 20: ____		
Sapling/Shrub Stratum			
1. Sambucus mexicana	2	y	FAC
2. Platanus racemosa	2	y	FACW
3. Phoenix sp.	<1	n	UPL
4.			
5.			
Total Cover: 5	50: ____ 20: ____		
Herb Stratum			
1. Vinca major	30	y	UPL
2. Anemopsis Californica	<1	n	OBL
3. Hemerocallis sp.	2	n	UPL
4.			
5.			
6.			
7.			
8.			
Total Cover: 33	50: ____ 20: ____		
Woody Vine Stratum			
1.			
2.			
Total Cover: _____			

% Bare Ground in Herb Stratum 40 % Cover of Biotic Crust _____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)
Total Number of Dominant Species Across All Strata: 4 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 75% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:
X Dominance Test is >50%
___ Prevalence Index is ≤3.0[1]
___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes Y No _____

Remarks:

SOIL

Sampling Point: 4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-2	10YR 4/3	100					Sandy loam	
2-5	10YR 3/2	100					Silt loam	
5-10	10YR 3/3	100					sand	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- X Surface Water (A1)
- ___ High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- X Drift Deposits (B3) (**Riverine**)
- X Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Thin Muck Surface (C7)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes X No _____ Depth (inches): 0

Water Table Present? Yes X No _____ Depth (inches): 0

Saturation Present? (includes capillary fringe) Yes X No _____ Depth (inches): 0

Wetland Hydrology Present? Yes X No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Rancho Las Lomas - Walton Tool City/County: unincorporated Orange Sampling Date: 10/8/08
Applicant/Owner: James Walton State: CA Sampling Point: 5
Investigator(s): Gary Medeiros, Allison Rudalevige Section, Township, Range: 33, T5S, R7W
Landform (hillslope, terrace, etc.): Canyon Local relief (concave, convex, none): _____ Slope (%): 1-2
Subregion (LRR): C Lat: 33.685908 Long: -117.621026 Datum: NAD83
Soil Map Unit Name: Sorrento loam NWI classification: —
Are climatic / hydrologic conditions on the site typical for this time of year? Yes Y No _____ (If no, explain in Remarks.)
Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No Y	Is the Sampled Area within a Wetland? Yes _____ No X
Hydric Soil Present?	Yes _____ No X	
Wetland Hydrology Present?	Yes X No _____	

Remarks:
Development of site occurred without a permit; therefore, "normal circumstances" not present.

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1. Quercus agrifolia	50	Y	UPL
2. Platanus racemosa	10	N	FACW
3. Pinus sp. (ornamental planting)	10	N	UPL
4.			
Total Cover: 70	50: ____ 20: ____		
Sapling/Shrub Stratum			
1. Salix gooddingii	5	Y	OBL
2.			
3.			
4.			
5.			
Total Cover: 5	50: ____ 20: ____		
Herb Stratum			
1. Vinca major	10	Y	UPL
2. Festuca rubra	3	Y	FAC
3.			
4.			
5.			
6.			
7.			
8.			
Total Cover: 13	50: ____ 20: ____		
Woody Vine Stratum			
1.			
2.			
Total Cover: _____			

% Bare Ground in Herb Stratum 90 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)
Total Number of Dominant Species Across All Strata: 4 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 50% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species 5	x 1 = 5
FACW species 10	x 2 = 20
FAC species 3	x 3 = 9
FACU species _____	x 4 = _____
UPL species 70	x 5 = 350
Column Totals: 88 (A)	384 (B)

Prevalence Index = B/A = 4.36

Hydrophytic Vegetation Indicators:
___ Dominance Test is >50%
___ Prevalence Index is ≤3.0[1]
___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks:

SOIL

Sampling Point: 5

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16	10YR 4/3	100					Sand	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: Cobble

Depth (inches): 16

Hydric Soil Present? Yes ____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- X Drift Deposits (B3) (**Riverine**)
- X Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Thin Muck Surface (C7)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ____ No X Depth (inches): ____

Water Table Present? Yes ____ No X Depth (inches): ____

Saturation Present? (includes capillary fringe) Yes ____ No X Depth (inches): ____

Wetland Hydrology Present? Yes X No ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

ATTACHMENT C

SOIL SURVEY

The soil classifications identified below were obtained from the U.S. Department of Agriculture, Natural Resources Conservation Service. The Official Soil Series Descriptions were obtained from the Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture.

Alo Series

The Alo series is a fine, smectitic, thermic Aridic Haploxerert. It consists of moderately deep, well drained soils. These soils formed in material weathered from shale or sandstone on mountains. Alo soils have slopes of 2 to 75 percent. The mean annual precipitation is about 17 inches and the mean annual temperature is about 61 degrees F (°F).

Range in Characteristics:

Depth to a paralithic contact of shale is 24 to 40 inches. The mean annual soil temperature is about 60 to 66°F at 20 inch depth. From about late April or May until November the soils are continuously dry and cracks 1/2 to 2 inches wide extend from the surface to a depth of 20 inches or more. The rest of the year the soils are moist in some or all parts below 5 inches and the cracks are closed. Few too many slickensides are present in some part from near the surface to near the contact with soft shale.

The A horizon is 10YR 4/2, 4/3, 5/2 or 5/3; 2.5Y 4/2 or 5/2 with moist values of 3 or more. It is clay loam, silty clay, or clay and has 35 to 55 percent clay. Coarse fragments of shale and other rock fragments are less than 5 percent. This horizon is slightly acidic to moderately alkaline, but is either not calcareous in the upper 12 to 20 inches or none of the A horizon is calcareous. In the less alkaline soils, alkalinity increases with depth.

The Bk horizon is 10YR 4/4, 5/2, 5/3, 5/4, 6/2, 6/3, 6/4; 2.5Y 5/2, 5/4, 6/4 and value is one or two units higher than in the A horizon. It is clay loam, silty clay or clay. Coarse fragments of shale and other rock fragments are 0 to 10 percent.

Drainage and Permeability:

These soils are well-drained; have low to very high runoff; and have slow permeability after soil cracks are swollen shut.

Calleguas Series

The Calleguas series is a loamy, mixed, superactive, calcareous, thermic, shallow Typic Xerothent. It consists of very shallow and shallow, well drained soils formed on uplands, hills and mountains in material weathered from sedimentary rocks. Calleguas soils have slopes of 9 to 75 percent. The mean annual precipitation is about 16 inches and the mean annual air temperature is about 60°F.

Range in Characteristics:

Depth to a paralithic contact of shale and sandstone is 8 to 20 inches. The mean annual soil temperature is about 60 to 65 °F and the soil temperature usually is not below 47°F at any time. The soil below a depth of about 5 inches is usually dry all of the time from May 1 until December 15 and is moist in some or all parts all the rest of the year. Rock fragments are mainly angular and subangular pieces of shale 0.25 to 0.5 inches in diameter. Most fragments can be crushed by earthmoving machinery. Rock fragment average 5 to 35 percent of the soil volume and are

usually most numerous just above the paralithic contact. Distinct horizon differentiation is lacking.

The soil is 10YR 6/2, 6/3, 5/2, 5/3; 2.5YR 6/2. Moist value is 4/2, 4/3, 4/4, and 2.5 4/2. It is loam, clay loam, silty clay loam, channery loam, channery clay loam, or channery silty clay loam. The soil is slightly to violently effervescent throughout except in some pedons deeper than 10 inches the upper few inches are noneffervescent. Reaction is slightly or moderately alkaline.

Drainage and Permeability:

Calleguas soils are well-drained; have medium or high runoff; and have moderate permeability.

Cieneba Series

The Cieneba series is a loamy, mixed, superactive, nonacid, thermic, shallow Typic Xerorthent. It consists of very shallow and shallow, somewhat excessively drained soils that formed in material weathered from granitic rock. Cieneba soils are on uplands and have slopes of 9 to 85 percent. The mean annual precipitation is about 25 inches and the mean annual temperature is 60°F.

Range in Characteristics:

Depth to a paralithic contact is 4 to 20 inches. Soil below a depth of about 4 to 6 inches usually is moist all of the time after November until sometime in May. It is dry the rest of the time. The mean annual soil temperature just above the weathered rock is 59 to 65°F. Fragments larger than 2 mm make up 0 to 35 percent of the soil. The soil is neutral to strongly acidic, though moist pedons are slightly or medium acidic. It is coarse sandy loam, gravelly sandy loam, light loam, or gravelly light loam and has less than 18 percent clay throughout the profile. The amount of coarse and very coarse sand is 15 to 25 percent. Organic matter content is less than 1 percent below a depth of about 1 inch to about 4 inches.

The A horizon is dark grayish brown to light brown (10YR 4/2, 4/3, 5/2, 5/3, 6/2, 6/3; 7.5YR 5/2, 6/4). Dry values of 4 or 5 extend to a depth of 1 to 5 inches in protected pedons that have not been burned or eroded.

Drainage and Permeability:

Cieneba soils are somewhat excessively drained with low to medium runoff and moderately rapid permeability in the soil, but much slower in the weathered granite.

Sorrento Series

The Sorrento series is a fine-loamy, mixed, superactive, thermic Calcic Haploxeroll. It consists of very deep, well drained soils that formed in alluvium mostly from sedimentary rocks. Sorrento soils are on alluvial fans and stabilized floodplains and have slopes of 0 to 15 percent. The mean annual precipitation is about 16 inches and the mean annual temperature is about 61°F.

Range in Characteristics:

The mean annual soil temperature is 59 to 63°F and the soil temperature is rarely if ever below 47 °F. The soil between depths of about 5 and 15 inches usually is dry all of the time from late April or May until November or early December and usually is moist in some or all parts the rest of the year. The 10 to 40 inch control section is loam, fine sandy loam, clay loam, sandy clay loam, or silty clay loam with 18 to 35 percent clay and more than 15 percent fine sand or coarser. Few

pedons have as much as 15 percent rock fragments. The upper part of the profile is slightly acidic to moderately alkaline, and is noncalcareous to a depth of 20 to 40 inches. Effervescence is weak to violent in disseminated lime and secondary powder or mycelial lime is present.

The A horizon has 10YR or 2.5Y hue. It has weak to strong granular or subangular blocky structure. This horizon has 2 to 4 percent organic matter in the upper part which decreases regularly to less than 1 percent at depths of 12 to 20 inches.

The B and C horizons are 10YR 5/2, 5/3, 6/2, 6/4, 7/2, 7/4; 2.5Y 5/2, 5/3, 6/2, 6/4, 7/2; and 5Y 6/3. It is somewhat stratified, particularly in the lower part of some pedons but contrasting texture is not present above a depth of 40 inches.

Drainage and Permeability:

Sorrento soils are well drained, have negligible to medium runoff, and have moderate to moderately slow permeability depending upon dominant texture and amount of stratification in the lower part of the profile.

ATTACHMENT D

NATIONWIDE PERMIT

27 - Aquatic Habitat Restoration, Establishment, and Enhancement Activities. Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal streams and other non-tidal open waters, and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic resource functions and services.

To the extent that a Corps permit is required, activities authorized by this NWP include, but are not limited to: the removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms, are removed; the installation of current deflectors; the enhancement, restoration, or establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or establish stream meanders; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to establish or re-establish wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; re-establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species should be planted at the site.

This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services.

Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. This NWP does not authorize stream channelization. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments.

Compensatory mitigation is not required for activities authorized by this NWP since these activities must result in net increases in aquatic resource functions and services.

Reversion. For enhancement, restoration, and establishment activities conducted: (1) In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), or their designated state cooperating agencies; (2) as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and

Enforcement (OSMRE) or the applicable state agency, this NWP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge occurs after this NWP expires. The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, or an appropriate state cooperating agency. This NWP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the determination of return to prior conditions will be made by the Federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity the permittee or the appropriate Federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic resource functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this NWP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.

Reporting. For those activities that do not require pre-construction notification, the permittee must submit to the district engineer a copy of: (1) The binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement, or a project description, including project plans and location map; (2) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (3) the SMCRA permit issued by OSMRE or the applicable state agency. The report must also include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats. These documents must be submitted to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing any activity (see general condition 31), except for the following activities:

(1) Activities conducted on non-Federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the U.S. FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies;

(2) Voluntary stream or wetland restoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuantto NRCS Field Office Technical Guide standards; or

(3) The reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency.

However, the permittee must submit a copy of the appropriate documentation to the district engineer to fulfill the reporting requirement. (Sections 10 and 404).

Note: This NWP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this NWP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensator mitigation is generally intended to be permanent.

ATTACHMENT E

JULY 8, 2009 PRE-APPLICATION FIELD MEETING

MEMORANDUM

July 8, 2009

To: Jim Walton, Project Manager

From: Gary Medeiros, Associate Principal/Regulatory Services

Copy: Melissa Howe, Associate Principal, Restoration Services

Subject: Rancho Las Lomas re: Regulatory Agency Pre-Application Meeting

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Attendees

Jim Walton, Project Manager
landuseagent@yahoo.com (760) 938-3363

Gary Medeiros, Associate Principal, Regulatory Services, BonTerra Consulting
gmedeiros@bonterraconsulting.com (714) 444-9199

Melissa Howe, Associate Principal, Restoration Services, BonTerra Consulting
mhowe@bonterraconsulting.com (714) 444-9199

Tamara Spear, CDFG Streambed Group
tspear@dfg.ca.gov (858) 467-4223

Chad Loflen, San Diego RWQCB WQC Section
Cloften@waterboards.ca.gov (858) 467-2953

Dave Otis, Firesafeplanning, Inc.
david@firesafeplanning.com (949) 521-0852

The following people were unable to attend:

Heather McCarthy, OC Public Works/Enforcement
Heather.McCarthy@ocpw.ocgov.com

Forrest Vandervilt, USACE, Los Angeles Regulatory Branch
Forrest.Vandervilt@usace.army.mil (213) 452-3289

I. Introductions: Gary Medeiros led the introductions as meeting attendees arrived.

II. Meeting Purpose:
Mr. Medeiros and Jim Walton stated that purpose of the agency coordination meeting was to: (1) provide an opportunity for regulatory agency staff to review the Rancho Las Lomas Project site conditions, biological resources and jurisdictional resources, impacts to these resources associated with required project modifications, and the proposed mitigation program to offset these impacts, and (2) to discuss the development, environmental, and permit process.

III. Project Overview:
Mr. Medeiros handed out a summary of the Jurisdictional Delineation Report to provide the basis for discussing project elements and regulatory issues. Mr. Medeiros stated that a jurisdictional delineation was performed to identify existing CDFG and USACE resources and impacts to these resources associated with past and proposed project development. Mr. Medeiros stated that the project site is located near the top of the Aliso Creek watershed and that the creek is a fairly intact drainage. Mr. Medeiros explained that a number of structural elements were installed within Aliso Creek without a permit by either the previous landowner or the current owner of the Rancho Las Lomas project. These existing structural elements together with the proposed structural elements are described below:

1. **Corrugated Drainage Pipe 1.** A corrugated drainage pipe was installed by the previous agricultural operation during the 1970s.

2. **Bridge No. 1.** A 60-inch reinforced concrete bridge/culvert was installed as part of the Rancho Las Lomas development. Bridge No. 1 is located at the entrance to Rancho Las Lomas.

3. **Drainage Pipe (8" PVC Pipe)**. A drainage pipe was installed near tiger enclosures as part of the Rancho Las Lomas development.

4. **Cement Deposits**. Cement was deposited at various locations in the Aliso Creek drainage in the late 1970s during the prior agriculture operations.

5. **Beazer Box Culvert.** A box culvert was installed as part of the Beazer Homes development to the east of Rancho Las Lomas.

6. **PVC Drainage Pipe (8" PVC Pipe).** A PVC drainage pipe was installed as part of the Rancho Las Lomas development.

7. **Foot Bridge A**. A culvert/bridge was installed as part of Rancho Las Lomas development and is proposed to be modified to a free-span bridge.

8. **Foot Bridge B. A footbridge, initially** installed as part of Rancho Las Lomas development, was recently modified to a free-span bridge.

9. **Access Road**. A vehicle roadway was constructed in the Aliso Creek drainage as part of the previous agricultural operations in the 1970s.

10. **Corrugated Drainage Pipe 2.** Corrugated steel pipe was constructed as part of the Santiago Canyon Road project (date unknown) by the County. Drainage Pipe 2 outfalls into Aliso Creek.

11. **Bridge No. 2.** Bridge No. 2 is a proposed free-span bridge that is needed to provide access to existing facilities located just east of Aliso Creek within the Rancho Las Lomas development.

12. **Bridge/Culvert No. 3.** Bridge No. 3 was installed as part of Rancho Las Lomas development. The applicant is proposing to modify this structure by converting it to a free-span bridge.

13. **Fencing.** A barbed-wire fence was installed across Aliso Creek at the downstream end of the property as part of the previous agricultural operation in the 1970s.

Mr. Medeiros stated that these structural elements resulted, or will result in 0.035 acre impacts to USACE jurisdictional resources (0.014 acre [permanent shade], 0.021 acre [temporary construction due to structural removals]) and 0.140 acre impacts to CDFG jurisdictional resources (0.054 acre [permanent structural], 0.044 acre impacts [permanent shade], and 0.042 acre [temporary impacts due to structural removal]).

Mr. Medeiros and Melissa Howe stated that the installation of proposed Bridge No. 2 would involve the removal of two coast live oak trees. Mr. Walton stated that the landowner is currently in negotiations with the County of Orange to swap the area below Bridge No. 3 at the southern limits of the property for an area within the Santiago Canyon Road Right-of-way to provide needed access to existing facilities within the project site. If this swap occurs, Bridge No. 2 will not be constructed.

Tamara Spear (CDFG) asked which elements the applicant is proposing to remove. Mr. Medeiros stated that all creek crossings will be converted from bridge/culverts to free-span bridges. Mr. Medeiros also stated that all of the concrete within Aliso Creek would be removed within the project boundaries. All other structural element would remain in place.

Ms. Spear asked if there were other project development components beyond the creek crossings and concrete removals. Mr. Walton stated the project also includes the construction of a gazebo and bed and breakfast component. Mr. Walton pointed out the locations of these project components during the field review.

Ms. Spear asked that the exhibits be revised to note various project components summarized above (e.g. Bridge No. 1, etc.) and include descriptions of existing conditions and the proposed modifications. Mr. Medeiros stated that the exhibits will be revised to include this information and included in the application package.

Mr. Spear asked about the lead agency and type of CEQA document. Mr. Medeiros stated that Orange County is the lead agency who will be processing the Mitigated Negative Declaration (MND).

Chad Loflen stated that the removal of the concrete and the culverts would be considered restoration by the RWQCB and asked that this information be included in

linear feet and square feet along with the other restoration and enhancement mitigation elements in project documents.

Mr. Loflen also suggested that the applicant submit the application with the base rate of $640.00. Once RWQCB staff reviews the application, they can establish the final application fees.

Ms. Howe provided an overview of the mitigation plan. She stated that proposed mitigation plan will consist of enhancement and restoration within 2.1 acres of CDFG jurisdictional area along Aliso Creek. This will include: 1) of the removal of non-native/ornamental species such as periwinkle, pampas grass, cape honeysuckle, castor bean, cheeseweed, palm trees, and non-native grasses; and 2) removal of Bridges 1 and 3, Footbridge A and cement from the drainage. These culvert/bridges will be replaced with free-span bridges. Also, native riparian plant species typical of oak riparian woodland habitat will be established throughout the 2.1 acre area via seed application and container planting. Ms Spear asked what species would be used. Ms. Howe stated that native species typical of mixed woodlands (California rose, etc.) will be planted throughout the 2.1 acre area. Ms. Howe also stated that the two oak trees that may be impacted by Bridge No. 2 would be replaced by 15 coast live oak trees based on the requirements of the Foothill-Trabuco Specific Plan. Ms. Spear stated that a ten-year maintenance and monitoring program will be required for the oak replacement component. Ms. Howe stated that a more detailed HMMP would be prepared that included a specific plant palette along with all of the other required mitigation elements as identified in the "Proposed Mitigation Strategy" memorandum dated July 8, 2009, and provided to agency staff. Ms. Howe also noted that if Bridge No. 2 was not constructed, oak tree removal would not occur, and that the oak replacement component of the proposed mitigation strategy would not be implemented

IV. Site Visit

Mr. Medeiros and Ms. Howe provided a tour of the project site to review all of the project drainage crossings and other structural elements as well as the extent of the proposed mitigation areas. The tour started at Bridge/Culvert No. 3 at the southern end of the project site and moved upstream towards Bridge No. 1. Mr. Walton pointed out the locations of the proposed gazebo and bed and breakfast components.

Mr. Oflen asked that the concrete within Aliso Creek be quantified in terms of linear feet and square feet (approximations would be adequate). He also asked that creek areas that are graded to re-contoured to pre-existing conditions be estimated as this effort would be considered part of creek restoration.

Ms. Spear re-iterated the need to provide a good exhibit showing all project elements along with complete descriptions. Mr. Medeiros stated that this information will be included in the Mitigated Negative Declaration and summarized in the applications.

Ms. Spear stated that she may want to complete the Streambed Alteration Agreement for all project elements except Bridge No. 2, as this component may not be constructed (if the land swap with the County of Orange occurs). Mr. Medeiros indicated that as this swap is not guaranteed and may take several years to reach resolution, the applicant wishes to obtain authorization to build all proposed elements (including Bridge No. 2) in the event that negotiations with the County are ultimately not successful.

Mr. Medeiros indicated that the permit applications would be submitted within the next three to four weeks in advance of the MND public review period.

V. Meeting Adjourned

Meeting adjourned at 2:35 PM